

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.04.2017

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**W.P. (MD) No.18569 of 2013**

B.Kathiresa Pandian

.. Petitioner

-Vs-

1. The Agricultural Production Commissioner,
and Secretary to Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 09.

2. The Chief Engineer,
Tamil Nadu Agricultural Engineering Department,
No.328, Anna Salai, Nandanam,
Chennai - 35.

.. Respondents

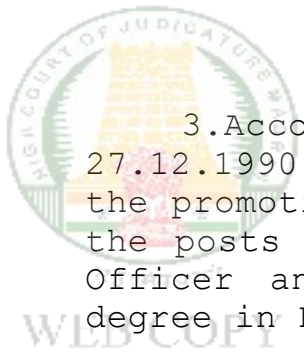
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the Respondents to promote the Petitioner to the post of Assistant Engineer within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy.

For Respondents : Mr.K.Guru,
Additional Government Pleader**ORDER**

This writ petition is filed to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Assistant Engineer within the time stipulated by this Court.

2.The case of the petitioner is that he was appointed as Inspector of Hand Boring set Grade-III on 13.01.1993 through the District Employment Office. At present the petitioner is working at Ramanathapuram. According to the petitioner after getting permission from the officials of his department concerned he completed B.E.(Mechanical) and therefore he is eligible for promotion to the post of Assistant Engineer. Two persons namely P.Sithivinayagamoorathi and Mr.Vinayagam working as Assistant Draftsman were given promotion to the post of Assistant Engineer on possession of B.E.(Civil). Therefore the petitioner submitted a representation dated 11.01.2011 with a request to consider him for promotion to the post of Assistant Engineer. The respondents without passing any orders on the representation of the petitioner are keeping the same pending with them as on today.



3. According to the petitioner as per G.O.Ms.No.958 dated 27.12.1990 which was amended vide G.O.Ms.No.582 dated 09.11.1995 the promotion to the post of Assistant Engineer shall be made from the posts of Assistant Soil Conservation Officer, Junior Drafting Officer and Agricultural Engineering Foreman on acquisition of degree in B.E. (Civil)/ B.E. (Mechanical) through part time course.

4. It is the further case of the petitioner that the 2nd respondent permitted the petitioner to study B.E. (Mechanical) by proceeding dated 29.11.1999. Further one Mr. G. Aramudhu who is also a similarly placed person as that of the petitioner submitted a representation for promotion to the post of Assistant Engineer and for that the 2nd respondent by proceedings dated 25.11.2010 rejected his request for promotion to the post of Assistant Engineer on the ground that the promotion given to the above said two persons have acquired qualification of B.E. (Civil) and they worked as Assistant Draftsman and therefore as a special case they were given promotion. But in the case of the petitioner there is no response from the respondents. Hence the petitioner has come up with the present writ petition.

5. I have heard Mr. T. Lajapathi Roy, learned counsel appearing for the petitioner and Mr. K. Guru, learned Additional Government Pleader appearing for the respondents and perused the records.

6. From the perusal of records, this Court would find that by the proceedings of the 2nd respondent dated 29.11.1999 permission was given to the petitioner P. Kathiresa Pandian to study part time B.E. (Mechanical) degree course. The petitioner also produced completion certificate of B.E. degree in Mechanical Engineering with 1st class issued by the Principal, Alagappa Chettiar College of Engineering and Technology, Karaikudi. From the above it is clear that the petitioner has possessed B.E. (Mechanical Engineering).

7. With regard to the promotion to the post of Assistant Engineer is concerned, it is for the respondents to consider the same. The petitioner stated that he submitted a representation on 11.01.2011 and the same is still pending without passing any orders thereon. Now we are in 2017 almost 6 years have lapsed. Therefore the representation of the petitioner dated 11.01.2011 may be available or not. Hence this Court without touching upon the merits of the case, directing the petitioner to send a fresh representation to the respondents and the same shall be considered on merits in accordance with law.

8. In the result:

a) the writ petition is disposed of with direction to the petitioner to send a fresh representation to the respondents within a period of 15 days from the date of receipt of copy of this order;



b) on receipt of the said representation, the respondents are hereby directed to consider the case of the petitioner, by giving personal opportunity to the petitioner and to pass appropriate orders for giving promotion to the petitioner in the post of Assistant Engineer;

c) the said exercise shall be done within a period of eight weeks from the date of receipt of the petitioner's representation. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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and Secretary to Government of Tamil Nadu,
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(2/2)

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