

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2018

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The Hon'ble Mr.Justice Satrughana Pujahari

W.P.No.18494 of 2018
and

W.M.P.Nos.21815 and 21816 of 2018

K.Anbu

... Petitioner

Vs.

- 1 The State Government,
Rep.by its Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2 The Commissioner/Director of Fisheries,
Fisheries Department,
571, Anna Salai, Nandanam,
Chennai-600 035.
- 3 The Engineer-in-Chief, WRD & Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-600 005.
- 4 Dr.Tmt.Beela Rajesh, I.A.S.,
Commissioner,
Directorate of Town & Country Planning,
(formerly Commissioner of Fisheries),
807, Anna Salai,
Chennai-600 002.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents pertaining to Confidential Report dated 20.03.2018 issued by the 4th respondent and to quash the same and consequently to direct the respondents 1 and 3 to include the name of the petitioner in the panel for promotion to the post of Superintending Engineer in the Public Works Department for the panel year 2018-2019 pending disposal of the above writ petition.

For Petitioner : Mr.Wilson, Senior Counsel
for M/s. Richardson Wilson

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

Heard Mr.Wilson, the learned Senior Counsel, for M/s. Richardson Wilson, the learned counsel for the petitioner and Mr.N.Srinivasan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this case is that, while he was on deputation to the Department of Fisheries under the control of the then fourth respondent, disciplinary proceeding was initiated against him for taking perpetual leave and in the same, he was found guilty. However, the lending Authority/first respondent/Government, taking into consideration of the facts, quashed the disciplinary proceeding against the petitioner and the penalty imposed thereunder. Thereafter, the petitioner was relieved from the said Department, but, so far as Annual Confidential Report with regard to grading of the Officials is concerned, the fourth respondent, who was the then Director, has made some adverse remarks against the petitioner, touching his efficiency. The petitioner, thereafter, has requested 4th respondent to expunge the same. However, it was denied. The petitioner made a representation to the first respondent to consider his case for reviewing such remarks, which is pending with the first respondent from 05.07.2018 onwards. No doubt, such representation was given recently, since promotion of the petitioner is in the offing, he, therefore, came to this Court seeking a direction to the first respondent to take an expeditious decision on such representation by the first respondent.

3. Considering the limited nature of relief and also the submission of the learned Additional Government Pleader for the respondents 1 to 3, more particularly, respondent No.1 that the respondents shall have no objection, to consider such representation in accordance with law, if the same is pending, no useful purpose is going to be served by directing notice to the fourth respondent, so also seeking counter affidavit from all the respondents. Therefore, this Court proceeds to dispose of this Writ Petition at the stage of admission with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner filed in regard to review the remarks made against him by the first respondent in accordance with law within a period of three weeks from the

date of receipt of a copy of this order. However, it is made clear that, this Court has expressed no opinion on the merit of such representation, in any manner. With the aforesaid order, the Writ Petition stands disposed of. It is stated that the first respondent is also going to draw a promotion panel. In such premises, this Court hope and trust that the first respondent shall not take a decision drawing of the panel before disposal of the representation of the petitioner pending. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2 The Commissioner/Director of Fisheries,
Fisheries Department,
571, Anna Salai, Nandanam,
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- 3 The Engineer-in-Chief, WRD & Chief Engineer (General),
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Commissioner,
Directorate of Town & Country Planning,
(formerly Commissioner of Fisheries),
807, Anna Salai, Chennai-600 002.

+1cc to Mr.RICHARDSON WILSON Advocate, S.R.No.48394
+1cc to the Government Pleader, S.R.No. 48969

W.P.No.18494 of 2018

TR(27/07/2018)