

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33216 of 2018

N.N.Thiyagarajan

... Petitioner

Vs

1.The Principal Secretary to Government
Public Works Department
Fort St.George, Chennai - 600 009.

2.The Engineer-in-Chief and Chief Engineer
(General), Chepauk, Public Works Department
Chepauk, Chennai 600 005. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider and pass orders on the representation made by the petitioner dated 29.10.2018 for revision of his seniority in the cadre of Assistant Executive Engineer by including his name in the appropriate place of the panel of Assistant Executive Engineer (Civil) for the year 2002-03 and to further revise the seniority of the petitioner in the cadre of Executive Engineer and Superintending Engineer at par with his junior Thiru Loganathan and consequently promote him as Superintending Engineer by including his name in the panel of Superintending Engineer for the year 2018-19 within a reasonable time as deemed fit by this Court.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for M/s.M.Muthappan

For Respondent : Mr.A.N.Thambidurai,
Special Govt Pleader

O R D E R

The petitioner, who was appointed as Assistant Engineer in the Public Works Department in the year 1984, had approached the Tamil Nadu Administrative Tribunal in O.A.No.1014 of 2002, seeking a direction to revise his seniority in the post of Assistant Engineer from the date of first appointment, and the Tribunal had granted the relief holding that the petitioner is also entitled to all consequential benefits. However, as no

action was taken pursuant to the order passed by the Tribunal, the petitioner filed W.P.No.29837 of 2005, which was disposed of by this Court on 16.09.2005, directing the respondents to implement the order of the tribunal. Thereafter, the Government issued ***G.O.Ms.No.23 dated 05.02.2007**, revising the seniority from the date of his appointment with all consequential benefits and the petitioner was promoted as ***Assistant Engineer**. However, alleging that the said order has not been given effect to, the petitioner has sent a detailed representation to the respondents on 29.10.2018 for revision of seniority and consequential promotion. As the said representation did not evoke any response till date, the petitioner has approached this Court for appropriate relief.

2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of the respondents.

3. Learned counsel for the petitioner contends that the petitioner has got only 15 months of service and unless his prayer for revision of seniority in the cadre of Assistant Executive Engineer and Executive Engineer and for further promotion as Superintending Engineer is ordered, his further promotion prospects will be totally jeopardised and seeks the intervention of this Court for appropriate relief.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the representation of the petitioner and pass orders on the same within a particular time frame.

5. In the above circumstances, the respondents are directed to consider the representation of the petitioner dated 29.10.2018 especially in the light of ***G.O.Ms.No.23 dated 5.2.2007** and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Deputy Registrar

***Amended as per the order
of this court dated 21/12/2018
made in WP.No.33216/18
Sd\-**

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kst

To

1.The Principal Secretary to Government
Public Works Department
Fort St.George, Chennai - 600 009.

2.The Engineer-in-Chief and Chief Engineer
(General), Chepauk, Public Works Department
Chepauk, Chennai 600 005.

**To be Substituted
for the order
already despatched
on 18/12/2018**

+1cc to Mr.M.Muthappan, Advocate, S.R.No. 87154

CSL/17.12.2018
nr 27/12/2018

W.P.No.33216 of 2018



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