

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.9348 OF 2011
AND MP NO.1 OF 2011

V.Nagarajan

... Petitioner

Vs.

1. The State of Tamil Nadu
rep by its Secretary
Public Works Department
Fort St.George, Chennai-9
2. The Engineer-in-Chief and
Chief Engineer, (General)
Public Works Department
Chepauk, Chennai - 600 005.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the claim of the petitioner for appointment/promotion as Junior Engineer w.e.f 01.01.2000 and to extend all benefits both service and monetary on the basis of the proposals and as had been done to other similarly placed persons through G.O.No.124 PWD dated 15.05.2008 and second respondent's order No.S2(2)/84462/2007-9 dated 24.11.2008.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents: Mr.D.Sathish
Additional Government Pleader

O R D E R

The petitioner was appointed as Technical Assistant in the 2nd respondent office on 01.01.1996. As per G.O.(D) No.29 PWD dated 25.01.2010, his services were regularised with effect from 01.01.1996. Petitioner passed the departmental examination on Accounts subject in the year May 1996 and acquired Diploma way back in the year November 1985. As per G.O.Ms.No.108 PWD dated 26.06.2006, he is entitled to retrospective promotion to the

post of Junior Engineer w.e.f from 01.01.2000. He made a representation to the 2nd respondent. In turn a proposal was sent by the 2nd respondent to the 1st respondent in his letter E1(3)/9480/2010-1 dated 16.06.2010. The said proposal even though received by the 1st respondent no action was taken. Thereafter, the 2nd respondent in his proceedings dated 14.12.2010 and 28.01.2011 had declared that the petitioner is entitled to Selection Grade and Special Grade salaries, even though he was given all these benefits only in the category of Technical Assistant his notional promotion on par with the similarly placed persons in the post of Junior Engineer with retrospective effect has not been granted. Hence, the petitioner is before this Court.

2. Heard the submissions made on either side.

3. Considering the G.O.(D) No.29 PWD dated 25.01.2010, a direction is given to the 1st respondent to pass appropriate orders on the proposal sent by the 2nd respondent for the petitioner's notional promotion within a period of one month from the date of receipt of a copy of this order. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kpr

To

1. The State of Tamil Nadu
rep by its Secretary, Public Works Department,
Fort St.George, Chennai-9
2. The Engineer-in-Chief and
Chief Engineer, (General)
Public Works Department, Chepauk,
Chennai - 600 005.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.103266
+1cc to the Government Pleader, S.R.No.103644

W.P.NO.9348 OF 2011

NRL(CO)
CS/03/02/2020