

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.09.2019
CORAM
THE HON'BLE Mr.JUSTICE M.DHANDAPANI
W.P.No.28443 of 2019

P.Srinivasan

... Petitioner

Versus

1.The Principal Secretary to Government/
The Chairman of TWAD Board,
Municipal Administration & Water Supply Dept,
Government of Tamil Nadu,
Secretariat,
Chennai-600009.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk,
Chennai 600 005.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus in the form of Direction directing the respondents to consider and pass orders on the petitioner's representation dated 26.08.2019 submitted for a grant of due promotion as "Assistant Executive Engineer" from the date of promotion of his immediate Junior and to grant all consequential Notional promotions, terminal and Pensionary benefits thereof with retrospective effect based on the G.O.Ms.(P & AR) No.22, dated 24.02.2014.

For Petitioner : Mr.R.Prabudoss

For Respondent -1 : Mr.R.S.Selvam
Government Advocate

For Respondent -2 : Mr.R.Ganesh Babu

O R D E R

This writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 26.08.2019 submitted for a grant of due promotion as "Assistant Executive Engineer" from the date of promotion of his immediate Junior and to grant all consequential Notional promotions, terminal and Pensionary benefits thereof with retrospective effect based on the G.O.Ms.(P & AR) No.22, dated 24.02.2014.

2. The case of the petitioner is that he joined as Assistant Engineer in the year 1980 and he retired from service on 30.04.2013 in the same post. According to him, he was not promoted during his entire service due to certain disciplinary proceedings against him. A charge memo was issued on 22.12.1997 against the petitioner alleging that he received illegal gratification from one K.Elango for procurement of HDPE pipes. Though he was eligible for promotion for the post of Assistant Executive Engineer in the year 1998, his name was deferred due to pendency of the charge memo which was later challenged by the petitioner and the same came to be quashed by this Court vide order 15.04.2013 in W.A.No.2283 of 2004.

3. According to the petitioner, the criminal case filed against the petitioner by the DVAC in Cr.No.3/AC/88/HQts was also quashed by this Court by order dated 26.02.2015 in CrI.O.P.No.14681 of 2014. Though the petitioner retired from service, he was not paid retiral benefits which prompted him to approach this Court in W.P.No.21099 of 2016 and pursuant to the orders passed by this Court, later he was paid all his retiral benefits. Now, according to the petitioner, since all the departmental proceedings issued against him were quashed by this Court and also criminal case filed by DVAC also came to be quashed by this Court, he is eligible for consequential benefits of promotion and attendant benefits.

4. The Petitioner's junior one G.Gomathinayagam was promoted as Assistant Executive Engineer in the year 2000 itself. In such circumstances, the petitioner made representations on 26.08.2019 to the respondents requesting to grant permission to the post of Assistant Executive Engineer. Since no action is forthcoming from the respondents, the petitioner is before this Court.

5. Learned counsel for the petitioner, would submit that without going into the merits of the case, it would suffice, if this Court issue directions to the respondents to consider the representation made by the petitioner, in accordance with law and to pass appropriate orders, therein.

6. Considering the facts and circumstances of the case and since the representation made by the petitioner dated 26.08.2019 is still pending with the respondents, the respondents are directed to consider and dispose of the same by passing appropriate orders in accordance with law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

bkn
To

1.The Principal Secretary to Government/
The Chairman of TWAD Board,
Municipal Administration & Water Supply Dept,
Government of Tamil Nadu,
Secretariat,
Chennai-600009.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk,
Chennai 600 005.

+1 cc to Mr.R.Ganesh Babu Advocate sr82529

+1 cc to the Government Advocate sr83619

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