

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33186 of 2019

C.MANAVALAN

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Petitioner

Vs.

1.The Principal Secretary to
Government / The Chairman of
TWAD Board, Municipal Administration
and Water Supply, Department
Government of Tamil Nadu,
Secretariat, Chennai 9.

2.The Managing Director
Tamil Nadu Water Supply and
Drainage Board, No.31,
Kamarajar Salai,
Chepauk, Chennai 5.

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Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a WRIT OF MANDAMUS,
directing the respondents to consider and pass orders on the
petitioners representation dated 17.10.2019 submitted for a
grant of due promotion as Executive engineer from the date of
promotion of his immediate Junior and to grant Notional
Promotions consequential benefits thereof with retrospective
effect base don the G.O.Ms. (P and AR) No.22 dated 24.2.2014.

For Petitioner : Mr.B.Prabudoss

For Respondents : Mrs.R.Janaki, AGP

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O R D E R

1.The present 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 petitioners
representation dated 17.10.2019 submitted for a grant of due

promotion as Executive engineer from the date of promotion of his immediate Junior and to grant Notional Promotions consequential benefits thereof with retrospective effect based on the G.O.Ms. (P and AR) No.22 dated 24.2.2014.

2. Heard both sides.

3. It is the case of the petitioner that he was initially appointed as Assistant Engineer in TWAD Board at Urban Division Dharmapuri and thereafter served in various divisions and finally retired from service on 31.03.2011. While in service, due to some irregularities committed by him during the year 1982 to 1986, a criminal case was registered on 14.10.1988 in which a final report was filed. Aggrieved by the final report, the petitioner and some other accused persons filed Criminal Original Petition in CrI.O.P.No16320 of 2014 seeking to quash the final report which was allowed by this Court vide order dated 26.02.2015. The petitioner was retired from service on 31.03.2011, without prejudice to the outcome of the decision of DVAC in the appeal process, which is pending before the Hon'ble Apex Court in SLP.Nos.15261 & 15262 of 2016 and the said SLPs were dismissed on 23.09.2016 in favour of the petitioner, and as such no disciplinary proceedings pending against the petitioner. Since the petitioner has been acquitted of all the charges, he is entitled to consideration for promotion with retrospective effect on par with his junior, who was promoted, for which he gave several representations dated 14.11.2018, 24.04.2019 and 17.10.2019 to the TWAD, elaborating all the details and requested them to release his retirement benefits such as commuted pension amount and gratuity, etc. However, till date the grievance of the petitioner has not been redressed. Hence this Writ petition.

4. The learned counsel for the petitioner would submit that since the petitioner has been acquitted from all the charges levelled against him, he is entitled for notional promotion as Executive Engineer, with retrospective effect from the date of promotion of his immediate Junior and for all consequential benefits thereof with retrospective effect based on the G.O.Ms.(P & AR) No.22, dated 24.02.2014. Hence, the learned counsel would pray that it would suffice if this Court directs the respondents to consider and dispose of the representation dated 17.10.2019 made by the petitioner in accordance with law.

5. The learned Additional Government Pleader appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the

petitioner dated 17.10.2019, would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the respondents to consider the representation dated 17.10.2019 made by the petitioner and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Principal Secretary to Government / The Chairman of TWAD Board, Municipal Administration and Water Supply, Department Government of Tamil Nadu, Secretariat, Chennai 9.

2.The Managing Director Tamil Nadu Water Supply and Drainage Board, No.31, Kamarajar Salai, Chepauk, Chennai 5.

+3cc to Mr.R.Prabudoss, Advocate SR.98765

+1cc to the Government Pleader SR.99433

W.P.No.33186 of 2019

SR(CO)
CB(08/01/2020)