

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE DR..JUSTICE S.VIMALA

WP.No.34601 of 2018

K.Sekar

...Petitioner

Vs

- 1.The State of Tamil Nadu by its Secretary  
PWD, Fort St.George, Chennai-9
- 2.The Engineer in Chief, PWD (WRO)  
Chennai Region, Chepauk, Chennai-5
- 3.The Special Chief Engineer, PWD  
WRO, Vellar Canal Circle,  
Cuddalore 607 001

...Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 2nd Respondent to consider the Petitioner's appeal, dated 23.10.2018 and dispose of the same, within a time frame.

For Petitioner : Mr.W.M.Abdulmajeed

For Respondents : Mr.A.N.Thambidurai, SGP

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the Respondents.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The prayer in this Writ Petition is to direct the 2nd Respondent to consider the Petitioner's appeal, dated 23.10.2018 and dispose of the same, within a time frame.

4.The case of the Petitioner is that the Petitioner was appointed as an Irrigation Assistant on 18.03.1997 on compassionate grounds and thereafter, he was promoted as the Work Inspector at the Office of the Assistant Executive Engineer, PWD (WRO) Vellar Basin Circle, Kallakurichi. The brother of the Petitioner, having grudge over, had sent a representation, stating that he had passed only VII Standard and not VIII Standard. Thereafter, the Petitioner's brother had also filed a Writ Petition in WP.No.44558 of 2016, seeking a direction to take action against the Petitioner. The said Writ Petition was disposed of on 03.01.2017, with a direction to the authority concerned to dispose of the representation of the brother of the Petitioner, after affording opportunity to the Petitioner. Thereafter, the Petitioner was placed under suspension, by order dated, 03.05.2017, without providing him the subsistence allowance and without providing any opportunity of hearing. The enquiry was not proceeding thereafter. The Petitioner had also filed a Writ Petition in WP.No.1826 of 2018 and the same is still pending. In the mean while, the authority concerned had passed final orders, dismissing the Petitioner from service. Challenging the same, the Petitioner had preferred an appeal, dated 23.10.2018 before the 2<sup>nd</sup> Respondent and the said appeal is not considered till date. During the pendency of the Writ Petition, there was a communication dated 29.11.2018 sent to the Petitioner, stating that the appeal has to be forwarded to the Chief Engineer, Chennai-5. Since the said appeal is not considered so far, this Writ Petition has been filed, seeking the relief as stated above.

5. Having regard to the facts and circumstances of the case and considering the limited scope of the prayer, as sought for in this Writ Petition, without going into the merits of the case, the 2nd Respondent is directed to forward the appeal of the Petitioner, dated 23.10.2018 to the Chief Engineer, PWD, Chennai-5 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Chief Engineer, PWD, Chennai-5 is directed to consider the said appeal and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Secretary,  
The State of Tamil Nadu  
PWD, Fort St.George, Chennai-9

2.The Engineer in Chief, PWD (WRO)  
Chennai Region, Chepauk, Chennai-5

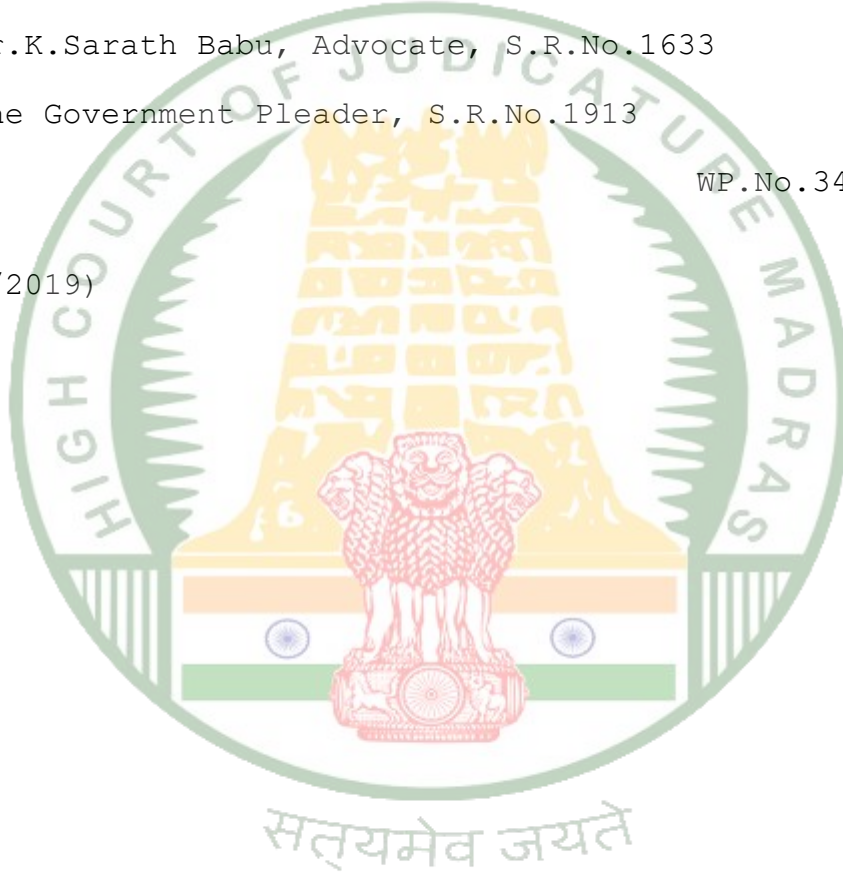
3.The Special Chief Engineer, PWD  
WRO, Vellar Canal Circle, Cuddalore 607 001

+1cc to Mr.K.Sarath Babu, Advocate, S.R.No.1633

+1cc to the Government Pleader, S.R.No.1913

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KJ(CO)  
GSP(08/02/2019)



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