



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.14883 of 2019

WEB COPY

Miss.L.Jothimani

... Petitioner

Vs.

1.The Engineer-in-Chief and Chief Engineer (General),
Public Works Department,Chepauk
Chennai - 5.

2.The Chief Engineer,
Water Resource Department,
Public Works Department,
Madurai Region,
Madurai - 2.

3.The Superintending Engineer,
Public Works Department,
Vaippar Basin Circle,
Virudhunagar,
Virudhunagar District.

4.The Deputy Superintending Engineer,
Public Works Department,
Vaippar Basin Circle,
Virudhunagar,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 24.06.2019 and pass suitable orders removing the adverse grading and remarks made against her in confidential report submitted for the period commencing from 01.04.2017 to 31.07.2017 and the period from 01.08.2017 to 25.01.2018, within a time frame to be fixed by this Court.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to consider the representation of the petitioner, dated 24.06.2019 and pass suitable orders, removing the adverse grading and remarks made against her in the confidential report submitted for the period commencing from



01.04.2017 to 31.07.2017 and from 01.08.2017 to 25.01.2018, within a time frame to be fixed by this Court.

2.Mr.A.Muthukaruppan, learned Additional Government Pleaders takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, she was appointed as Assistant Engineer in Public Works Department and she joined duty in the said post on 19.01.1999. Thereafter, on 26.02.2010, she was promoted as Assistant Executive Engineer and now, she is working at Palani. In the confidential report for the year commencing from 01.04.2017 to 31.07.2017, the fourth respondent has given lower marks, but he has given report as satisfactory in the integrity column. Equally, in the confidential report for the period commencing from 01.08.2017 to 25.01.2018, the respondents 3 and 4 have awarded more marks towards grading, but in the integrity and pen picture columns, they have made adverse remarks. The respondents 3 and 4 have not assigned any reason for making such adverse remarks and they have not given any opportunity to the petitioner before making such remarks in the confidential report. In this connection, the petitioner has sent a representation to the respondents on 24.06.2019, requesting them to fill up the missing details, remove the adverse grading and remarks endorsed in the confidential reports, but, no order has been passed so far, therefore, the petitioner is deprived of her opportunity to get promotion. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents submitted that the entry made by the respondents 3 and 4 against the petitioner, is a confidential report and therefore, as per Rule, the petitioner is not entitled to seek reconsideration of the same and prayed for dismissal of the Writ Petition.

5.In view of the above, it is for the respondents to take note of the abovesaid objection and consider the petitioner's representation dated 24.06.2019 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-I)

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To
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Madurai - 2.
- 3.The Superintending Engineer,
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Virudhunagar,
Virudhunagar District.
- 4.The Deputy Superintending Engineer,
Public Works Department,
Vaippar Basin Circle,
Virudhunagar,
Virudhunagar District.

+1CC TO M/S.Special Government pleader Sr.No.73431

+1CC To M/S.P.GUNASEKARAN, ADVOCATE, SR.NO.73307

W.P. (MD) No.14883 of 2019
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BUC(12.07.2019) 3P 7C