



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.18623 of 2017
and
WMP(MD)No.15009 of 2017

G.Dhanabalan ... Petitioner

vs.

1.The Director General,
Highways Department,
Guindy, Chennai - 600 025.

2.The Chief Engineer,
Highways Department,
Guindy, Chennai - 600 025.

3.The Superintending Engineer,
Highways Construction and Maintenance,
K.Pudur, Madurai.

4.The Divisional Engineer,
Highways Construction and Maintenance,
K.Pudur, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider the name of the Petitioner for promotion to the Post of Superintendent in Highways Department for the year 2016-2017 as per the seniority and promote the petitioner to the post of Superintendent in Highways Department with all attendant and service benefits by considering the petitioner's representation dated 16.02.2017.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondents.

2.The learned counsel appearing for the petitioner submitted that the petitioner is fully qualified for the post of Superintendent based on his seniority. Hence, he made a representation dated 16.02.2017 to the first respondent requesting



to promote him to the post of Superintendent in Highways Department for the year 2016-17 based on his seniority. Since the same has not been considered so far, this writ petition has been filed.

3. On notice, the first respondent has filed a counter affidavit, wherein at paragraph - 6, it is held as follows:

6. All seniors to the petitioner and they were all promoted as Assistant during the year 2013 and they had now reached their turn for promotion as Superintendent. On the other hand, the petitioner was promoted during the year 2016 and thereby he had not yet reached his turn for promotion as Superintendent. It is submitted that the 1st respondent had not violated Rule 36(a) of Tamil Nadu State and Subordinate Service Rules (now Tamil Nadu Government Servants Conditions and Service Act 2016 Sec 43).

4. Such a statement made in the counter affidavit is refuted by the learned counsel appearing for the petitioner and it is submitted that the delay for promotion to the petitioner is caused only due to administrative reasons and not by the petitioner.

5. Considering the submissions made by the parties, without going into the merits of the case, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 16.02.2017 and pass necessary orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.15009 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The Director General,
Highways Department,
Guindy, Chennai - 600 025.

2. The Chief Engineer,
Highways Department,
Guindy, Chennai - 600 025.

3. The Superintending Engineer,
Highways Construction and Maintenance,
K. Pudur, Madurai.



4.The Divisional Engineer,
Highways Construction and Maintenance,
K.Pudur, Madurai.

+1CC to Mr.V.Muthukamatchi, Advocate, SR.No.54377
+1CC to the Special Government Pleader SR.No.54939

W.P (MD) No.18623 of 2017
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ES/15.05.2019/3P/7C