



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) .No. 18027 of 2019
and W.M.P. (MD) No.14477 of 2019

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A. Baiju

: Petitioner

Vs.

The Commissioner,
Tirunelveli Corporation,
Tirunelveli, Tirunelveli District.

: Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a **Writ of Mandamus**, directing the respondent to promote the petitioner as Junior Engineer notionally w.e.f., 07.07.1995 in terms of order made in W.P. No.8478 of 1995, dated 29.06.2001 as confirmed in W.A. No.1873 of 2001, dated 21.11.2008 with all attended monetary benefits and continuity of service and consequently to direct the respondent to re-fix the seniority in the cadre of Junior Engineer by placing the petitioner's name in the appropriate place by considering the petitioner's representation, dated 06.11.2009, 12.06.2015 and 06.06.2019, within the period that may be fixed by this Court.

For Petitioner : Mr.M. Ajmal Khan,
Senior Counsel for M/s.Ajmal Associates

For Respondents : Mr.Aayiram K.Selvakumar,
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a direction to the respondent to promote the petitioner as Junior Engineer notionally w.e.f., 07.07.1995 in view of the order passed in W.P. No.8478 of 1995, dated 29.06.2001 as confirmed in W.A. No.1873 of 2001, dated 21.11.2008 with all attended monetary benefits and continuity of service and also sought for a direction to re-fix the seniority in the cadre of Junior Engineer by considering the petitioner's representation, within the time stipulated by this Court.

2. Mr.Aayiram K.Selvakumar, learned Standing Counsel takes notice for the respondent. By consent of both parties, the instant writ petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he is presently working as Assistant Engineer at Palayamkottai Ward Office, Tirunelveli Corporation, Tirunelveli District. Though, he is eligible for promotion to the post of Junior Engineer, his name was not included in the panel for the year 1995.

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4. According to the petitioner, in the light of the order passed in W.P. No.8478 of 1995, dated 29.06.2001 as confirmed in W.A. No.1873 of 2001, dated 21.11.2008 he was promoted as Junior Engineer in the respondent/corporation w.e.f, 13.06.1997, but he is actually entitled for promotion w.e.f, 07.07.1995. Therefore, he has made a representation to the respondent, so far no order has been passed by the respondent. Hence, the instant writ petition is filed before this Court.

5. The learned Senior Counsel appearing for the petitioner relied upon the order passed by this Court in W.P. No.8478 of 1995, dated 29.06.2001 as confirmed in W.A. No.1873 of 2001, dated 21.11.2008 and submitted that the petitioner is entitled for promotion to the post of Junior Engineer.

6. The learned Standing counsel appearing for the respondent/corporation has submitted that the representation of the petitioner will be considered on merits, within a reasonable period.

7. By taking note of the relevant facts of the representation of the petitioner, this Court, without expressing any opinion on the merits of the petitioner case, this Court, directs the respondent to consider the representation of the petitioner on merits and in accordance with law, and pass appropriate orders, within a period of Twelve (12) weeks, from the date of receipt of copy of the order.

8. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-82518.

+1 CC to Mr.AAYIRAM K. SELVA KUMAR, Advocate SR-83026.

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