

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13965 of 2001

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ or order or direction especially one in the nature of Writ of Mandamus (i) declare the action of the respondents is not promoting the petitioners herein as Assistant Divisional Engineers with effect from 27.11.1995 as illegal and arbitrary (ii) declare sub-paras (i) (ii) of para-6 of Memo. No.GM(P)/DS(P)/AS(A)/PD(Adm-IV/271-2-99-5, dated 13-09-2000 as illegal, arbitrary and set aside the same (iii) Direct the respondents to promote all the petitioners herein as Assistant Divisional Engineers either with effect from 27-11-1995 duly granting all other consequential benefits (iv) pass any such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel appearing for the petitioners, and learned Standing Counsel appearing for the respondents.

The grievance of the petitioners is that though they are fully eligible and qualified to be promoted to the post of Assistant Divisional Engineer, the respondents have not considered their cases. After attaining the age of superannuation, the petitioners have filed the present writ petition.

Learned counsel appearing for the petitioners contends that the respondents be directed to consider the cases of the petitioners for promotion to the post of Assistant Divisional Engineer notionally with effect from 27.11.1995 and consequently revise the terminal benefits of the petitioners.

Learned Standing Counsel appearing for respondents contends that cases of the petitioners would be considered, only if they submit a representation afresh.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioners to submit a representation afresh to the respondents seeking notional promotion with effect from 27.11.1995 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd August, 2019
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