

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 18059 OF 2013

A.Sethu Ravanth

..Petitioner

- Vs -

- 1.The State of Tamil Nadu,
Rep. By Secretary to Government
Municipal Administration & Water Supply
Department,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.
- 3.V.Deenadayalan
Regional Executive Engineer,
Office of Regional Director of Municipal Administration,
Vellore.
- 4.K.Bhupathi
Superintending Engineer,
Office of commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.
- 5.R.Venkatachalam
Chief Engineer
Office of commissioner of Municipal
Administration, Chepauk,
Chennai 600 005.
- 6.K.Balasubramanian
Superintending Engineer
Salem Corporation, Salem.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 1 and 2 to initiate action on the basis of the

petitioner's representation dated 08.06.2013 against the respondents 3 to 6 and other who are involved in creation of false records for preparation of seniority list of Assistant Executive Engineers in the Municipal Engineering Service.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.S.thangavel, Spl. GP for R1 and R2
: M/S.K.Rajmumar for R3 to R6.

ORDER

The petitioner was initially appointed as Overseer on 20.03.1975 and, thereafter, promoted as Assistant Executive Engineer on 30.01.2000 and subsequently promoted as Executive Engineer on 27.12.2007. The grievance of the petitioner is that respondents 3 to 6 have been shown as senior to the petitioner in the cadre of Assistant Engineer by deception taking advantage of the Adhoc promotion pending framing of rules. It is the further case of the petitioner that persons junior to him were promoted, whereas he was denied promotion. In this regard, the petitioner filed a writ petition in W.P. No.10943 of 2008 to quash the proceedings of the 2nd respondent dated 23.07.2007 and against the final seniority list published, which was dismissed by a common order of this Court on 05.06.2012. Against the said order of dismissal the petitioner has filed W.A.No.161 of 2013, which is pending. It is the further case of the petitioner that he submitted a complaint dated 08.06.2013 in the matter of fraudulent entries regarding the date of promotion in the service register of respondents 3 to 6 as Assistant Engineer. Till date there is no response from the respondents, which prompted the petitioner to file the present writ petition.

2. Learned senior counsel appearing for the petitioner while reiterating the submissions as raised in the grounds in support of his plea, stressed that the lacunae on the part of the department in not properly maintaining the seniority list, cannot be put against the petitioner to deny him promotion, when persons junior to the petitioner have been granted promotion. The petitioner cannot be made to suffer for no fault of his and, further the learned counsel on instructions submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation within a reasonable time as fixed by this Court.

3. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no serious objections to such a direction being passed.

4. In view of the limited relief sought for, this Court, without going into the merits of the contentions raised in the writ petition directs the respondents 1 and 2 to consider the petitioner's representation dated 08.06.2013 and pass orders thereon, in accordance with law, after affording opportunity to the respondents 3 to 6 and other persons, who were involved in the preparation of seniority list of Assistant Executive Engineers in the Municipal Engineering Service and pass appropriate orders, within a period of 3 months from the date of receipt of copy of this order.

5. This writ petition is disposed of with the aforesaid direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)MDU

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The State of Tamil Nadu,
Rep. By Secretary to Government
Municipal Administration & Water Supply
Department,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.

+1cc to the Government Pleader, S.R.No.24800

W.P. NO. 18059 OF 2013

WEB COPY

RSV(CO)
KKV/06/08/2020