



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 12624 of 2020

(Through Video Conferencing)

K. Maruthupandian

... Petitioner

Vs.

1. The State of Tamil Nadu

Rep. by its Secretary to Government
Highways Department
Secretariat,
Chennai.

2. The Director General

O/o. the Director General office,
Highways department
Guindy, Chennai.

3. The Joint Director (Admin)

O/o. the Joint Director Office,
Highways Department
Guindy, Chennai.

4. The Superintending Engineer,

O/o. the Superintending Engineer,
Highways Department (Construction & Maintenance)
Tirunelveli

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to promote the petitioner notionally to the post of Junior Draughtsman on par with the petitioner's juniors taking into consideration of the fact that the period of currency was over as early as on 24.09.2016 and by considering the petitioner's representation dated 01.10.2016, 20.07.2017 and 28.07.2020 within the period that may be stipulated by this Court.

For Petitioner

: Mr. H. Mohammed Imran for
M/s. Ajmal Associates

For Respondents

: Mr. M. Jeyakumar
Additional Government Pleader

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the respondents to promote the petitioner notionally to the

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post of Junior Draughtsman on par with his juniors taking into consideration of the fact that the period of currency of punishment was over as early as on 24.09.2016, by considering the petitioner's representation dated 01.10.2016, 20.07.2017 and 28.07.2020.

2. The petitioner was appointed as Assistant Draughtsman on 12.03.2014 and his service was also regularized after completion of probationary period successfully.

3. The next higher category post, for which, the Assistant Draughtsman is a feeder category, is the Junior Draughtsman. The petitioner, according to him, is eligible to be considered.

4. In this context, it is the further case of the petitioner that, at least ten people, who are juniors to the petitioner, have been considered for promotion to the post of Junior Draughtsman, whereas, after seven years have gone, the petitioner's candidature has not been considered for promotion. Therefore, the petitioner, in this regard, has given a representation to the respondents on 28.07.2020. Therefore, the learned counsel for the petitioner would submit that, if the said representation is directed to be considered on merits and in accordance with law, the petitioner would be satisfied.

5. The learned Additional Government Pleader, who takes notice for the respondents, on instructions, would submit that, since there has been some disciplinary action against the petitioner, the promotion was not considered and whether the petitioner would be entitled to be considered for the promotion to the post of Junior Draughtsman or not can be verified and accordingly, suitable orders on the representation of the petitioner would be passed on merits and in accordance with law within a time frame.

6. Considering the said submissions made by both sides and having regard to the factual matrix of the case, this Court is inclined to dispose of this writ petition with the following order:

"that the respondents are hereby directed to consider the representation of the petitioner dated 28.07.2020 and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government
State of Tamil Nadu
Highways Department
Secretariat, Chennai.

2.The Director General
O/o. the Director General office,
Highways department
Guindy, Chennai.

3.The Joint Director (Admin)
O/o. the Joint Director Office,
Highways Department
Guindy, Chennai.

4.The Superintending Engineer,
O/o. the Superintending Engineer,
Highways Department (Construction & Maintenance)
Tirunelveli

+1cc to M/s.Special Government Pleader, SR No. 18245

W.P. (MD) No. 12624 of 2020
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