

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.907 of 2021
and
W.M.P.No.992 of 2021

V.Kumaresan

..Petitioner

-vs-

1.The Government of Tamil Nadu,
Represented by Principal Secretary
to Government (FAC),
Highways and Minors Ports Department,
Secretariat, Chennai - 9.

2.The Director General (H),
Highways Department,
Chennai - 600 025.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim and pass orders within a limited time frame of the petitioner for promotion as Assistant Divisional Engineer, Highways Department by including his name in the panel for the year 2020-2021 in the light of the representation dated 07.09.2020.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.A.Aruldoss
Government Advocate

ORDER

The petitioner has come forward with the present writ petition seeking a direction to the respondents to consider his claim for promotion as Assistant Divisional Engineer, Highways Department by including his name in the panel for the year 2020-2021 in the light of the representation dated 07.09.2020 and pass orders within a limited time frame.

2. It is an admitted case that the petitioner had undergone a punishment from 01.07.2019 to 30.06.2020 and on the crucial date, namely, 15.07.2019, he had undergone a punishment. While preparing the panel for promotion to the post of Assistant Divisional Engineer for the year 2020-2021,

the petitioner was not qualified on account of the fact that he was suffering punishment. However, the respondents-Highways Department has stated in the communication dated 28.08.2020 that the punishment period is already over as early as on 30.06.2020. The learned counsel appearing for the petitioner submitted that in case the panel is prepared for the year 2021-2022, his name may be considered.

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

4. Mr.A.Aruldoss, learned Government Advocate would submit that the petitioner is already eligible from 01.07.2020. In case any panel is prepared to the post of Assistant Divisional Engineer for the year 2021-2022, the name of the petitioner will be considered for promotion.

5. Recording the submissions of both the parties, no further orders are required in the present writ petition, as the petitioner is not eligible to be included in the panel of promotion to the post of Assistant Divisional Engineer for the year 2020-2021, as he was undergoing punishment on the crucial date, namely, 15.07.2019 and the currency of punishment took effect from 01.07.2019 to 30.06.2020.

6. With the above observations, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Principal Secretary to
Government of Tamil Nadu (FAC)
Highways and Minors Ports Department,
Secretariat, Chennai - 9.

2.The Director General (H),
Highways Department,
Chennai - 600 025.

+lcc to Mr.G. PUNNIAKOTI, Advocate, S.R.No.6017
+lcc to Government Pleader, Highcourt, Madras, Sr.No.5734

GP(CO)
SM/02/03/2021

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