



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12 of 2015

1.P.Govindan (deceased)

2.G.Alamelu

3.G.Sivakumar

4.G.Senthil Kumar

5.G.Moorthy

...Petitioners

(P2 to P5 substituted as LRs of deceased sole petitioner vide order dated 03.03.2021 made in WMP.No. 1146/2021 in WP.No.12/2015)

-Vs-

1. Director of Town Panchayats,
Chennai - 600 108.

2. District Collector,
Salem District, Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to promote the petitioner as Selection Grade Executive Officer from the date on which his juniors were promoted i.e. 08.08.1995 and thereafter to pass formal order of retirement and confer all the consequential pensionary and terminal benefits in the promoted cadre of Selection Grade Executive Officer.

For Petitioners : Mr.C.Selvaraj, Senior Counsel
for M/s.C.S.Associates

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. It is brought to the notice of this Court that pending the writ petition, the original petitioner had died and his legal heirs have been brought on record. The petitioners herein are aggrieved against the inaction on the part of the



respondents in considering the deceased petitioner's request for promotion as a Selection Grade Executive Officer from the date on which his juniors were promoted.

3. In the counter affidavit filed by the respondents, it is stated that there were some charges pending against the deceased petitioner, based on which, he was imposed with a penalty of compulsory retirement on 03.05.2013. As against this order passed by the first respondent, the deceased petitioner had filed a revision petition to the Government on 29.06.2013, which was also rejected through a Government Order in G.O.Ms.No.94, Municipal Administration and Water Supply (TP4) Department, dated 11.02.2015.

4. In this background, it would not be now appropriate to direct the respondents to consider the deceased employee's request for promotion with retrospective date. However, if liberty is granted to the petitioners herein to challenge the action of the Government in rejecting the revision petition, the ends of justice could be secured.

5. In the light of the above observations, the Writ Petition stands disposed of, by granting liberty to the petitioners/legal heirs of the deceased employee to challenge the order passed in the revision petition in G.O.Ms.No.94, Municipal Administration and Water Supply (TP4) Department, dated 11.02.2015. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Director of Town Panchayats,
Chennai - 600 108.

2. The District Collector,
Salem District, Salem.

+1cc to the Government Pleader, S.R.No.69608

W.P.No.12 of 2015

CP(CO)
RGA(30/12/2021)