

IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.03.2021
CORAM:
The HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.6252 of 2021

M.Longins Mary

... Petitioner

-vs-

1.Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public Works Department,
Fort St. George,
Chennai 600 009.

2.Engineering in Chief
Water Resources Department and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 17.09.2020 for including his name in the panel for promotion to the post of Junior Draughting Officer in accordance with law and on its merits within the time frame stipulated by this Court.

For Petitioner : Mr.R.Kamatchi Sundaresan
for Mr.Balan Haridas,
For Respondents : Mr.M.Loganathan

O R D E R

This Writ petition is filed, seeking a direction to the first respondent to consider the petitioner's representation dated 17.09.2020 for including her name in the panel for promotion to the post of Junior Draughting Officer in accordance with law and on merits, within the time frame stipulated by this Court.

2.Mr.M.Loganathan, learned counsel takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that she joined as Mazdoor in the Public Works Department in the year 1991. When she was serving as Irrigation Assistant in the office of the fourth respondent, she took permission from the respondents to

pursue three years course in Diploma in Civil Engineering and completed the same in June 2013. In this circumstance, the second respondent issued a letter dated 03.08.2019, inviting details of the persons for promotion to the post of Junior Draughting Officer by transfer. The Chief Engineer, Water Resources Department vide letter dated 09.10.2019 submitted the details of the employees, who are eligible for promotion, in which the petitioner's name has not been included though she is fully qualified. In this regard, the petitioner made a representation dated 17.09.2020 to the first respondent. As there is no reply for the representation, the petitioner is before this Court by filing the present Writ Petition, seeking the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's proposal is already pending with the first respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the first respondent herein to consider the proposal preferred by the petitioner dated 17.09.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 17.09.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need

for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai 600 009.
2. The Engineering in Chief
Water Resources Department and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005.

+lcc to M/s.Balan Haridas, Advocate SR.NO..15494

+lcc to The Government Pleader SR.NO..16123

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सत्यमेव जयते

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