

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8107 of 2021

and

WMP.No.8663 of 2021

S. Senthil Nathan

... Petitioner

-vs-

1. The Chairman/Additional Chief Secretary
Tamil Nadu Water Supply and Drainage Board,
O/o. The Municipal Administration and Water
Supply Department,
Fort St. George,
Secretariat, Chennai 600 009.

2. The Managing Director
Tamil Nadu Water Supply and Drainage Board
No.31, Kamarajar Salai,
Chepauk,
Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the category of Superintending Engineer by granting relaxation of two years of service as Executive Engineer in Project Formulation/Design/Office work based on the representation dated 27.02.2021 and until such time to keep one post vacant in the category of Superintending Engineer.

For Petitioner : Mr.V.C.Selvasekaran

For Respondents : Mr.Eraskin Leo

ORDER

This writ petition has been filed, seeking a direction to the respondents to promote the petitioner to the category of Superintending Engineer by granting relaxation of two years of service as Executive Engineer in Project

Formulation/Design/Office work based on the representation dated 27.02.2021 and until such time to keep one post vacant in the category of Superintending Engineer.

2. According to the petitioner he has made a detailed representation to the respondent Board through proper channel, stating that, he is qualified to be considered for promotion and the respondent Board while considering the panel, had grossly erred in not taking into account his earlier service as Executive Engineer. It is his grievance that the respondent Board on several occasions in the past, has promoted Officers and servants by relaxing the qualifications required under Regulation 23 of the Service Regulations by invoking Regulation 54, but, to the contrary, the respondent/Board has failed to grant the benefit of relaxation to him.

3. Heard the learned counsel on either side and perused the material documents available on record.

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

i) A direction is issued to the respondent herein to consider the representation preferred by the petitioner dated 27.02.2021 for inclusion of his name in the panel for the year 2020-2021, in the light of the Letter dated 02.03.2021 addressed by the Special Secretary to Government to the Respondent/Board, and the Board's proceedings dated 08.01.2020 & 21.04.2020 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 60 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 respondent 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 27.02.2021 and this order, to the respondents forthwith;

v) The respondent is 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.

5. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

1. The Chairman/Additional Chief Secretary
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O/o. The Municipal Administration and Water
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