

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3775 of 2014

R.Rajamony

... Petitioner

Vs.

The Secretary,
PWD Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to notionally promote the petitioner in the post of Superintending Engineer on par with other persons promoted vide G.O.(D) No.77, Public Works Department, dated 06.03.2013 and also disburse all monetary and attendant benefits to the petitioner in the post of Superintending Engineer.

For Petitioner : Mr.Naveen Kumar Murthi
For Respondent : Mr.P.Chinna Durai
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking direction to the

respondent to notionally promote the petitioner as Superintending Engineer on par with others promoted vide G.O.(D) No.77, Public Works Department, dated 06.03.2013 and for consequential monetary and attendant benefits.

2.The case of the petitioner is that he joined the respondent Department as Assistant Engineer on 26.10.1979 and was promoted as Assistant Executive Engineer during the year 1999. Whiles, disciplinary proceedings was initiated against the petitioner, which ended in the punishment of stoppage of increment for a year without cumulative effect. Thereafter, based on his representation, vide order dated 01.10.2009, the petitioner was promoted to the post of Executive Engineer.

3.It is the grievance of the petitioner that he is eligible to be promoted as Superintending Engineer, however, his name was not included in the panel drawn for the year 2012-2013. Though, he made representation to the respondent in this regard, the same was not considered. In the meanwhile, the petitioner retired as Deputy Superintending Engineer on 30.06.2013, on attaining the age of superannuation. Thereafter, he made representation dated

17.07.2013 to the respondent seeking notional promotion to the post of Superintending Engineer and for consequential benefits and since there was no response, has filed this writ petition.

4.The respondent has filed a counter affidavit stating that considering the petitioner's seniority in the post of Executive Engineer, he was not eligible for inclusion of his name in the panel of Executive Engineers fit for promotion to the post of Superintending Engineers drawn for the year 2012-2013.

5.Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if the representation of the petitioner dated 17.07.2013 is directed to be disposed of by the respondent, for which, the learned Additional Government Pleader appearing for the respondent has no serious objection.

6.In view of the above, this Court directs the respondent to consider the petitioner's representation dated 17.07.2013 seeking notional promotion to the post of Superintending Engineer and other consequential benefits, on merits and in accordance with law and pass

R.MAHADEVAN,J.

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appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7.Accordingly, the writ petition stands disposed of. No costs.

01.02.2021

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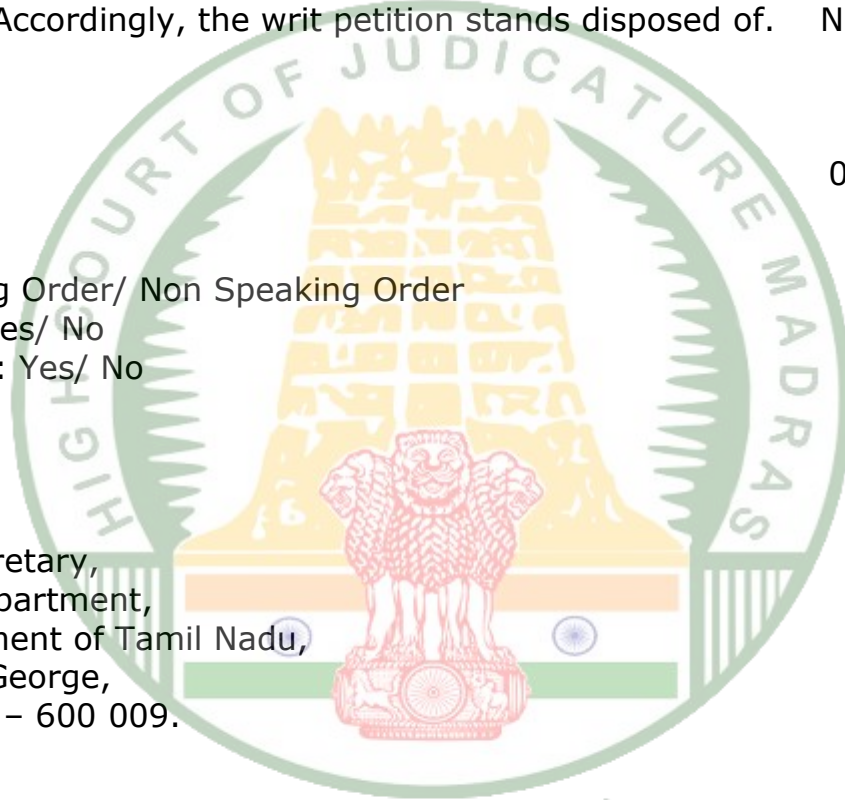
Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The Secretary,
PWD Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.



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