



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18360 of 2021

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S. Sankara Subramanian

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.

3.The District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

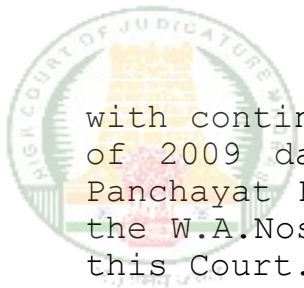
... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.09.2014 sent through proper channel as well as other representations dated 20.10.2014, 05.01.2015, 11.02.2015, 30.08.2016, 18.12.2018 and subsequent representation dated 25.06.2021 for promoting the petitioner as an Assistant Engineer on par with the petitioner's junior with all other monetary benefits with continuity of service, based on the order passed in W.P.No.8263 of 2009 dated 29.09.2011 and G.O.Ms.No.139 Rural Development and Panchayat Raj Department, dated 28.09.2013 and the order passed in the W.A.Nos.1323 and 1324 of 2019 within a stipulated time fixed by this Court and pass orders.

For Petitioner : Mr. V. Karthikeyan
For Respondents : Mr. S. Shanmugavel
Standing Counsel for State

ORDER

This petition is filed for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.09.2014 sent through proper channel as well as other representations dated 20.10.2014, 05.01.2015, 11.02.2015, 30.08.2016, 18.12.2018 and subsequent representation dated 25.06.2021 for promoting the petitioner as an Assistant Engineer on par with the petitioner's junior with all other monetary benefits



with continuity of service, based on the order passed in W.P.No.8263 of 2009 dated 29.09.2011 and G.O.Ms.No.139 Rural Development and Panchayat Raj Department, dated 28.09.2013 and the order passed in the W.A.Nos.1323 and 1324 of 2019 within a stipulated time fixed by this Court.

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2. According to the petitioner, his name was included in the seniority list but the respondent has not published the panel for the promotion to the post of Assistant Engineer till 2020. Thereafter, the respondents had issued the proceedings dated 19.05.2021 and published the panel for the post of Assistant Engineer for the year 2021-2022 through recruitment by transfer from the posts of Overseer for the Junior Drafting Officers. It is represented on behalf of the petitioner that though the petitioner had filed a writ petition against the said proceedings, the pendency of that writ petition has nothing to do with the present prayer in the present Writ Petition. In the present Writ Petition, the petitioner is praying for a direction to the respondents to consider his representation and promote him as Assistant Engineer on par with his junior.

3. According to the petitioner on similar circumstances, the Division Bench of this Court in W.A.Nos.1323 and 1324 of 2019 has considered elaborately and passed orders and the aforesaid judgment of the Court squarely applies to the facts of the present Writ Petition, as the petitioner's prayer is to grant promotion on par with his junior. Therefore he seeks direction to the respondents to consider his representation dated 22.09.2014 and the subsequent representations made before the respondent and to promote the petitioner to the post of Assistant Engineer in the light of G.O.Ms.No.139 Rural Development and Panchayat Raj Department, dated 28.09.2013 and the common judgment of the Hon'ble Division Bench in W.A. Nos. 1323 and 1324 of 2019.

4. The learned Standing Counsel for the Department submitted that if the said representation is still pending, the same will be considered and appropriate orders will be passed in accordance with law.

5. Having regard to the limited scope of the prayer as sought for by the petitioner, without expressing any opinion on merits, this Court is inclined to direct the first respondent to consider the petitioner's representation dated 22.09.2014 and the other subsequent representations and pass appropriate orders on its own merits and in accordance with law as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to state that a copy of the said representation also to be enclosed along with the copy of this order.



With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.State of Tamil Nadu,
Represented by its Principal Secretary to Government,
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- 3.The District Collector,
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Tirunelveli - 627 009.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-31719[F] dated 08/10/2021)

+1 CC to M/s.SPL.GP (SR-31756[F] dated 08/10/2021)

W.P(MD)No.18360 of 2021

07.10.2021

KS (CO)

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