



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.20168 of 2021

and

W.M.P (MD)No.16867 of 2021

L.K.Baskar

...Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.
- 2.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.
- 3.The Commissioner of Municipal Administration,
O/o.The Commissioner of Municipal Administration,
Chennai - 5.
- 4.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus directing the respondents to promote the petitioner notionally to the post of an Executive Engineer from 11.11.2015 having regard to the fact that the charges levelled against the petitioner have been dropped and consequently with a prayer to direct the respondents to disburse all consequential and monetary benefits arising thereof.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Civil)
for R.1 to R.3

Mr.Aayiram K.Selvakumar
for R.4

ORDER

The petitioner before this Court is the Executive Engineer of Tirunelveli Municipal Corporation. He has filed this petition seeking a direction to the respondents to promote him to the post



of Executive Engineer notionally from 11.11.2015.

2. According to the petitioner, two charge memos were issued as against him on 30.12.2008 and 29.04.2013, when he was working as the Assistant Executive Engineer at Tirunelveli Municipal Corporation, alleging that there was some misappropriation while sanctioning the building plan approval. Due to the pendency of the said charge memos, he was not considered for further promotion, even though he was due to be promoted as Executive Engineer on 11.11.2015. After inquiry, the charges levelled against him were dropped and the petitioner was exonerated from the charges on 25.10.2018 and 15.02.2019, respectively. Thereafter, the petitioner was promoted as an Executive Engineer, in the year 2019.

3. The case of the petitioner is that since he has been exonerated from the charges levelled as against him, he is entitled to be promoted in the year 2015, as per the vacancy position in the cadre of Executive Engineer prevailed then. Therefore, he has made a representation to the respondents on 28.05.2019. Though the said representation was forwarded by the fourth respondent to the first respondent as early as on 05.07.2019, no decision has been taken on the same, till date. Therefore, he is before this Court.

4. When the matter is taken up for hearing today, learned Senior Counsel appearing for the petitioner confined the prayer sought for and submitted that it would suffice if the representation of the petitioner dated 28.05.2019 is directed to be disposed of by the first respondent, in the manner known to law, within a stipulated time limit.

5. In view of the limited relief now sought for, this Court, without expressing anything on the merits of the case, directs the first respondent to consider the representation of the petitioner dated 28.05.2019, which was forwarded by the fourth respondent on 05.07.2019, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav/gk

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To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

3.The Commissioner of Municipal Administration,
O/o.The Commissioner of Municipal Administration,
Chennai - 5.

4.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-34164[F] dated
11/11/2021)

+1 CC to M/s.SPL.GP (SR-34113[F] dated 11/11/2021)

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AP (20.01.2022) 3P 7C