



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.17231 of 2018

WEB COPY

1.V.Chandrasekaran

2.R.Raja

... Petitioners

Vs.

1.The Divisional Engineer,
Highways Department,
Constructions and Maintenance,
Dindigul Division,
Trichy Road,
Pandyan Nagar, Dindigul.

2.P.Kannan

3.C.Dharmar

4.M.Arumugam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to promote the petitioners as Road Inspectors based on the seniority panel, dated 16.03.2015.

For Petitioners : Mr.R.Saravanan

For R1 : Mr.P.Subbaraj

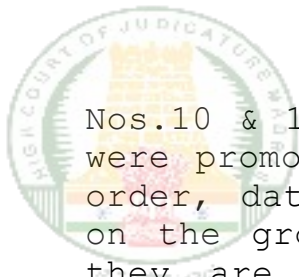
Government Advocate

ORDER

The petitioners have filed the present writ petition for a direction to the first respondent to promote them as Road Inspectors, based on the seniority panel, dated 16.03.2015.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the first respondent and perused the materials available on record.

3. According to the petitioners, they were appointed as Salaipaniyalar on 13.11.1997 and 14.11.1997 respectively. Subsequently, their services were regularised on 14.11.1998. According to the petitioners, the next promotional post is Road Inspector. The respondents prepared panel for promotion to the post of Road Inspector on 16.03.2015. The petitioners were serial



Nos.10 & 12 in the said panel. As per the said panel, 8 persons were promoted as Road Inspectors on 12.06.2015. Subsequently, by order, dated 25.05.2018, the respondents 2 to 4 were de-promoted on the ground that they possessed only prefoundation course and they are not eligible based on G.O.(Ms)No.144, Personnel and Administrative Reforms (M) Department, dated 20.11.2017. Challenging the order of de-promotion, the respondents 2 to 4 filed Writ Petitions in W.PNos.12590, 12591 and 12592 of 2018 and the same were dismissed. According to the petitioners, 9th person in the seniority panel viz., S.Swaminathan died and the 11th person does not possess requisite qualification. In view of the de-promotion of the respondents 2 to 4, three posts of Road Inspectors are vacant and hence, the petitioners have come out with the present writ petition, seeking a direction to promote them as Road Inspectors, based on the seniority panel, dated 16.03.2015.

4. Though various averments have been made in the writ petition, the learned counsel appearing for the petitioners after elaborate arguments, submitted that if a direction is issued to the first respondent to consider the representation of the petitioners, it would suffice.

5.The learned Government Advocate appearing for the first respondent submitted that, if representation is given by the petitioners, the same would be considered on merits within the period stipulated by this Court.

6. Considering the above submissions and the limited relief now sought for, the petitioners are directed to make a representation to the first respondent for the above stated relief, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above direction, the writ petition is disposed of. No costs.

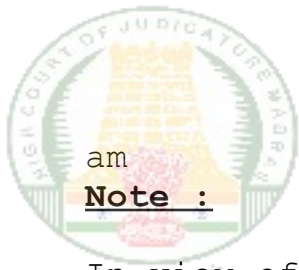
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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

The Divisional Engineer,
Highways Department,
Constructions and Maintenance,
Dindigul Division,
Trichy Road,
Pandyan Nagar, Dindigul.

+1 CC to M/s.SPL GP (SR-20574[F] dated 29/06/2021)

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28.06.2021

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