



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2021**

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD)No.21282 of 2016

M.Balusamy

... Petitioner

Vs.

The Divisional Engineer,
Highways,
Construction and Maintenance,
Thirugokarnam Post,
Pudukottai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to pass necessary consequential order of promotion promoting the petitioner from the post of Gang Mazdoor to the post of Road Inspector Grade II, as per the seniority panel list published by the respondent in Ku.No.30/2015/B2, dated 25.05.2016, within a stipulated period as may be fixed by this Hon'ble Court.

For Petitioner

: Mr.P.Jamal Mohamed

For Respondent

: Mr.D.Muruganantham

Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondent to pass necessary order of promotion, promoting the petitioner from the post of Gang Mazdoor to the post of Road Inspector Grade II, as per the seniority list published by the respondent in Ku.No.30/2015/B2, dated 25.05.2016.

2. The case of the petitioner is that the petitioner was appointed as Gang Mazdoor in the year 1997 and he has been serving as Gang Mazdoor for the past 19 years without any promotion. Further, the respondent has given promotion to similarly placed persons from the post of Gang Mazdoor to the post of Road Inspector, by his proceedings in Se.Mu.Ka.No.1183/2007/B4, dated 30.09.2008. Hence, the petitioner has made several representations to the respondent, requesting him to promote the petitioner from the post of Gang Mazdoor to Road Inspector. Thereafter, the respondent has published the seniority list on 25.05.2016. As per the seniority



list, the petitioner is entitled for promotion to the post of Road Inspector Grade II. However, the respondent has not passed any orders. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The respondent has filed a counter. A perusal of the counter affidavit reveals that the petitioner is eligible for promotion to the post of Road Inspector Grade - II and hence, considering the existing vacancies, as per the seniority list, promotion to the eligible Gang Mazhooor will be considered, on receipt of necessary instruction from the higher authorities of the Department.

4. In view of the above, the respondent is directed to grant promotion to the petitioner, immediately after the vacancy arose, if not granted to the petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(Records)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

To

The Divisional Engineer,
Highways,
Construction and Maintenance,
Thirugokarnam Post,
Pudukottai District.

+1 CC to Mr.K.BAALASUNDHARAM, Advocate SR-7655[F] dated 26/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER (SR-7853[F] dated
01/03/2021)

+1 CC to Mr.D.MURUGANANTHAM, Advocate (SR-8308[F] dated 02/03/2021

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