



\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2579 of 2022

Rajalingam

... Petitioner

Vs.

1. Government of Tamilnadu
Represented by Secretary to Government
Highways Department
Fort St. George
Chennai-600 009.
2. The Chief Engineer (General)
Highways and Rural Development Department
Chennai-5.
3. The Divisional Engineer
(Construction and Management)
Highways Department
Krishnagiri
Krishnagiri District
4. The Assistant Divisional Engineer
(Construction and Management)
Highways Department
Kaveripakkam
Krishnagiri District
5. The Asst. Engineer (Construction and Management)
Highways Department
Kaveripakkam
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.01.2022 and promote the petitioner as Road Inspector-II retrospectively.



WEB COPY

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.A.M.Ayyadurai

Government Advocate

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.01.2022 and promote the petitioner as Road Inspector-II retrospectively.

2. The case of the petitioner in brief:

The petitioner was appointed as Road Worker by the 3rd respondent on 31.10.1997 and after completion of probation period, his service was regularised with effect from 12.11.1998. The Tamilnadu Highways Subordinate (works charged) Service Rules says that the Gang Mazdoor who have completed 5 years of service and have gained technical knowledge in roadwork and those who are having minimum qualification of SSLC, are eligible for appointment of Road Inspector.

2.1. The petitioner succeeded in English subject and passed in SSLC examination in the year 2001. Subsequently, he made a representation dated 18.09.2008 to the 3rd respondent to include his educational qualification as passed in 10th standard. In the year 2009, his SSLC qualification has been included in the service register. However, the 3rd respondent promoted the similarly placed co-employee Mr.Shanmugam, who joined in service on 15.11.1998, as Road Inspector in the year 2008. One Ramesh, who joined service very later after the petitioner, was also promoted as Road Inspector in the year 2014. Despite the petitioner made representation on 30.04.2014, his name was not considered for the subsequent promotion panel prepared by the 3rd respondent in the year 2014 and 2017. Again the petitioner sent representation on 02.07.2021 and 12.01.2022 through proper channel. But the 3rd respondent has placed the petitioner's name in 17th place in the seniority list prepared as on 01.01.2021 and wantonly left his name in earlier seniority panel fixed in the year 2014 and 2017. Hence, this writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner will be considered by the 3rd respondent and appropriated orders will be passed on merits.



4. Inview of the above submissions, without going into the merits of the case, this Court is inclined to pass orders.

WEB COPY

5. Accordingly, it is ordered as follows.

i) The the 3rd respondent is directed to consider the representation of petitioner dated 12.01.2022 and pass orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

mst

To

1. The Secretary to Government
Highways Department
Fort St. George
Chennai-600 009.

2. The Chief Engineer (General)
Highways and Rural Development Department
Chennai-5.

3. The Divisional Engineer
(Construction and Management)
Highways Department
Krishnagiri
Krishnagiri District

4. The Assistant Divisional Engineer
(Construction and Management)
Highways Department
Kaveripakkam
Krishnagiri District



5. The Asst. Engineer (Construction and Management)
Highways Department
Kaveripakkam
Krishnagiri District

WEB COPY

+1cc to Mr.A.Venkatesan, Advocate SR.No.9730
+1cc to the Government Pleader, SR.No.10265

W.P.No.2579 of 2022

PMK (CO)
CB (02/03/2022)