



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2533 OF 2022

AND

WMP.NO.2677 OF 2022

M.Natarajan

..Petitioner

vs.

1. The Secretary to Government of India,
Ministry of Road Transport and Highways
Transport Bhavan,
No.1, Parliament Street,
New Delhi-110001.

2. The Chief Enigneer-cum-Regional Officer,
Ministry of Road Transport and Highways,
No.C-1-A, Rajaji Bhavan,
Besant Nagar,
Chennai-600090.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the letter dated 10.05.2021 in No.RW/NH-12024/01/2021-TN/Zone-III of 1st respondent and quash the same and consequently direct the 1st and 2nd respondents to implement the recommendations made by the 2nd respondent in his Proceedings No.22.01.2019 in No. RW-MD-PF (31)87 and to accord all consequential monetary benefits to the petitioner.

For Petitioner : Mr.R.Srihari

For Respondents : Mr.T.V.Krishnamachari,
Spl.GP



O R D E R

Brief facts of the case is that the petitioner is a Diploma holder in Civil Engineering and he was initially appointed by the respondent as Draughtsman Grade-C in the year 1987. Subsequently, he was designated as Draughtsman Grade -II and retired from service on attaining the age of superannuation in the year 2009 in the same cadre. The petitioner had made various representations to the respondents seeking promotion to the post of Assistant Engineer as he had completed eight years in the said cadre and eligible as per the existing Rules. The respondent without considering the ground raised by the petitioner, had rejected the representation without assigning any reason. Challenging the same, the present writ petition is filed.

2. The learned counsel for the petitioner has submitted that the petitioner is fully qualified to be promoted as Assistant Engineer with effect from April 2003 but the petitioner's name was not considered for promotion, even while he was in service, despite the representations made by the petitioner. The petitioner had earlier approached this Court in W.P.No. 16378 of 2019 and this Court by order dated 26.03.2019 issued directions to consider the petitioner's representation dated 03.01.2019 and to dispose of the petitioner's representation. But the respondent had rejected the claim made by the petitioner without assigning any reason and not chosen to communicate the same to the petitioner. According to the learned counsel for the petitioner, the order of the 1st respondent is a cryptic and non-speaking order and the same is liable to be quashed.

3. The learned Special Government Pleader appearing for the respondents would submit that the petitioner is not qualified for the post of Assistant Engineer as per the amended notification dated 20.01.1988. As per the said notification, the qualification for the said post of Assistant Engineer is a Degree in Civil Engineering of a recognized University or equivalent with 3 years regular service in the grade or a Diploma in Civil Engineering of a recognized University or equivalent with 5 years regular service in the grade, therefore, the petitioner was found not eligible to be promoted to the post of Assistant Engineer and the representation made by the petitioner was also rejected by the 1st respondent.

4. Heard both sides and perused the documents available on record.

5. On perusal of the impugned order passed by the 1st respondent dated 10.05.2021, it is clear that the respondent had



not stated any reason for rejecting the claim made by the petitioner. The relevant portion of the impugned order is extracted hereunder;

"...The case has been examined in this Ministry and to say that Shri M.Naarajan, Draftsman, Grade-II (Rtd.,) was not eligible for promotion to the post of Assistant Engineer during his service period."

6. The Hon'ble Supreme Court and this Court on various decisions being held that the authorities concerned must not only give a hearing to the government servant concerned but also pass a reasoned order dealing with the contentions raised by him/her.

7. On the facts of the present case on hand, as seen from the impugned order, the 1st respondent without any discussion on the grounds raised by the petitioner in his representation, had rejected the claim made by the petitioner.

8. Therefore, considering the facts and circumstances of the case, this Court without any hesitation has come to the conclusion that the impugned rejection order passed by the 1st respondent is a cryptic and non speaking order and the same is liable to be quashed. Accordingly, the following direction are issued;

- i. The impugned order dated 10.05.2021 passed by the 1st respondent is quashed.
- ii. The writ petitioner is permitted to submit additional documents if any, to substantiate his claim within a period one week from the date of receipt of a copy of this order.
- iii. On receipt of such documents, the 1st respondent shall consider the same and pass reasoned order on its own merits and in accordance with law, within a period of eight (8) weeks thereafter.

9. In the result, the writ petition is allowed to the extent above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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2. The Chief Engineer-cum-Regional Officer,
Ministry of Road Transport and Highways,
No.C-1-A, Rajaji Bhavan,
Besant Nagar,
Chennai-600090.

+1cc to M/s.T.V.Krishnamachari, Advocate, S.R.No.16911

+1cc to M/s.M.Sriram, Advocate, S.R.No.17608

W.P.No.2533 of 2022
and WMP.No. 2677 of 2022

JP (CO)
RLP (18/03/2022)