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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4865 of 2022

and

W.M.P. Nos. 4982 and 4983 of 2022

Asirvatham

...Petitioner

-vs-

1. The Director General
Highways Department
Guindy, Chennai-600 025.
2. The Chief Engineer
Highways (Construction & Maintenance)
Guindy, Chennai-600 025.
3. The Superintending Engineer
Highways (Construction & Maintenance)
College Road, Tirupur District.
4. The Divisional Engineer
Highways (Construction & Maintenance)
College Road, Tirupur District.
5. The Divisional Engineer
Highways (Construction & Maintenance)
Moolapalayam, Erode District.
6. The Assistant Divisional Engineer
Highways Construction & Maintenance
Kangeyam, Tirupur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for records of the Fourth Respondent promotion panel list dated 01.01.2021 quash the same insofar as not including the Petitioner is concerned and consequently, directing the Fourth Respondent to include in the post of Skilled Assistant Grade - II in the panel list based on Petitioner representation dated 15.02.2022.

For Petitioner : Mr. M.Saravana Kumar

For Respondents : Mr. V.Jeevagiridharan
Additional Government Pleader



O R D E R

Heard Mr. M.Saravana Kumar, Learned Counsel for the Petitioner and Mr. V.Jeevagiridharan, Learned Additional Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the selection list dated 01.01.2021 to the post of Skilled Assistant Grade - II issued by the Fourth Respondent insofar as the non-inclusion of the name of the Petitioner is concerned and to consequently direct the Fourth Respondent to include his name in the panel list for the post of Skilled Assistant Grade - II based on his representation dated 15.02.2022.

3. Learned Counsel for the Petitioner submits that the Petitioner had passed S.S.L.C. (Class X) in the year 2008 which is the condition required for the impugned promotion, but his name had not been included in the panel. He further states that the Petitioner would restrict to the relief of reconsidering his claim by disposing his representation dated 15.02.2022 instead of challenging the selection list to the promotional post. He has also made an endorsement to that effect in the court record.

4. Having regard to the limited relief sought by the Petitioner, this Court without expressing any view on the correctness or entitled of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) the concerned authority shall examine the representation made by the Petitioner;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days;
- (iii) in the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and the concerned authority shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the concerned parties under written acknowledgment;
- (iv) if the Petitioner is entitled to the approval of appointment, it shall be ensured that the eligible amount of arrears of salary is paid within one month from the date of passing of that order, apart from the monthly salary for future months on the due dates; and



(v) the concerned authority shall file a report of compliance in that regard by 31.05.2022 before the Registrar (Judicial) of this Court;

(vi) there shall be no order as to costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Director General
Highways Department
Guindy, Chennai-600 025.
2. The Chief Engineer
Highways (Construction & Maintenance)
Guindy, Chennai-600 025.
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Moolapalayam, Erode District.
6. The Assistant Divisional Engineer
Highways Construction & Maintenance
Kangeyam, Tirupur District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.M.Saravana Kumar, Advocate SR. No. 15260

+1cc to Government Pleader SR. No.15551

W.P. No. 4865 of 2022

SPD (CO)

PR (05/04/2022)