



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 4535 of 2022

W.M.P.Nos. 4669 & 4671 of 2022

A.B. Senthil Kumar

... 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,
Tiruppur District.
5. The Divisional Engineer,
Highways (Construction & Maintenance),
Kachedimedu, Gopi Division,
Erode District - 638 002.
6. The Assistant Divisional Engineer,
Highways Construction and Maintenance,
Tirupur-North,
Tirupur.

... 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 of the 4th respondent promotion panel list dated 01.01.2021 quash the same in so far as not including the petitioner is concerned and consequently directing the 4th 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.K. Sathanandan

For Respondents : Mrs.P. Rajarajeswari, GA

ORDER

The relief sought for in the writ petition is to call for the records of the 4th respondent promotion panel list dated 01.01.2021 and quash the same in so far as not including the petitioner is concerned and consequently directing the 4th respondent to include in the post of Skilled Assistant Grade-II in the panel list based on petitioner representation dated 15.02.2022.

2. Heard both sides and perused the materials available on record.

3. According to the learned counsel for the petitioner, the petitioner is working as Gangmazdoor in the 6th respondent Divisional Office. As per G.O. Ms.No. 193, dated 01.08.2008, those who have passed 10th standard from a recognised school are eligible for promotion from the post of Gangmazdoors to Road Inspector Grade II.

4. The learned counsel for the petitioner has further submitted that the petitioner had completed 10th standard in the year 2008 , therefore, the petitioner was eligible to the post of of Road Inspector Grade -II in the year 2007 itself. The learned counsel for the petitioner has further submitted that the petitioner frequently gave representations to the respondents seeking promotions as Skilled Assistant Grade-II. But respondents without considering the same, has prepared the promotion panel list dated 01.01.2021 for the post of Skilled Assistant Grade -II and gave promotions, wherein the first two persons namely 1. Manivel and 2. P.Thangavel were completed 10th standard belatedly, therefore the petitioner's seniority has been over looked. Challenging the said promotion panel issued by the 4th respondent, the present writ petition is filed.



5. The learned Government Advocate appearing for the respondent has submitted that based on the G.O. Ms.No. 193, dated 01.08.2008, the petitioner's service has been regularised on 04.11.1998, whereas the regularisation of the persons placed in Sl.Nos. 1 & 2 namely Manivel and P.Thangavel on 02.11.1998 FN. Though the aforesaid persons have completed 10th standard belatedly to the writ petitioner, the respondent after taking into consideration of all the aspects as prescribed in the said G.O has prepared the promotion panel for the post of Road Inspector (Grade II), therefore, the respondent has rightly prepared the promotion panel and does not require any interference by this Court.

6. In the light of the submissions made by the learned Government Advocate and on perusal of entire records, no other ground has been raised by the learned counsel for the petitioner for the violation of Rules or G.O in preparing promotion panel dated 01.02.201 by the respondent, this Court finds no merits in the writ petition.

7. Accordingly, the writ petition stands dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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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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3. The Superintending Engineer,
Highways (Construction & Maintenance),
College Road,
Tirupur District.

4. The Divisional Engineer,
Highways (Construction & Maintenance),
College Road,
Tiruppur District.

5. The Divisional Engineer,
Highways (Construction & Maintenance),
Kachedimedu, Gopi Division,
Erode District - 638 002.

6. The Assistant Divisional Engineer,
Highways Construction and Maintenance,
Tirupur-North,
Tirupur.

+1cc to M/s.M.Saravanakumar, Advocate Sr.24627

+1cc to the Government Pleader Sr.23846.

W.P.No. 4535 of 2022
and

W.M.P.Nos. 4669 & 4671 of 2022

ajs[col]
srg 31/05/2022