



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No.9974 of 2013

and

M.P.No.2 of 2013

R.Kaliamoorthy

.. Petitioner

Vs.

1.The Secretary to Government,
Energy Department, Secretariat,
Fort St. George, Chennai – 600 009.

2. The Chief Electrical Inspector,
Energy Department, Government of Tamil Nadu,
Kanchipuram Division (North),
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st Respondent issued in Letter No.429/B3/2010-3 Energy Department dated 16.08.2010 and quash the same and to direct the Respondents to fix the seniority of the Petitioner above Thiru.K.Gangadharan in the Panel of Superintendent prepared for the year 2006-2007 and consequently to revise the retirement benefits and to pass any other appropriate order or direction as this Court may deem fit and proper in the circumstances of the case.



For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.P.Sathish
Additional Government Pleader
For R1 & R2.

ORDER

The grievance of the petitioner is that his juniors who have not qualified were found promoted from the post of Office Assistant to the post of Junior Assistant or by way of recruitment.

2. Challenging the same, the petitioner filed appeal and the same was rejected by the second respondent vide order dated 11.09.2007 on the ground of delay. As against which, the petitioner filed W.P.No.2037 of 2008 and this Court permitted the petitioner herein to file an appeal before the first respondent/Government and on receipt of such an appeal, the first respondent was directed to consider the same and pass orders on merits. Thereafter, the first respondent by order dated 16.08.2010 rejected the appeal filed by the petitioner.



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3. The learned counsel for the petitioner submitted that the first respondent has not dealt with the appeal on merits and also has not assigned any reasons for rejecting the appeal. He would submit that this Court may be pleased to interfere with the said order and the first respondent may be directed to reconsider the appeal filed by the petitioner on merits as directed by this Court in W.P.No.2037 of 2008 dated 03.12.2009.

4. The learned Special Government Pleader would submit that the claim of the petitioner cannot be considered, as all the persons who were appointed to the post of Junior Assistant by way of recruitment or by way of promotion from the post of Office Assistant were all senior to him and they have acquired necessary qualification on various dates. The petitioner was promoted as Junior Assistant in the year 1998 and after clearing the qualifying accountant test. Therefore, the appeal has been rightly rejected by the first respondent.

5. Considering the arguments and the materials available on record, it is clear that no reasons have been assigned for rejecting the appeal. Therefore, the said order is liable to be set aside.



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6. In view of the same, the impugned order dated 16.08.2010 passed by the first respondent is set aside and the matter is remitted back to the first respondent. The first respondent is directed to dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order on merits.

7. In view of the above, this Writ Petition is disposed of. No costs.

31.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No

To

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K. KUMARESH BABU, J.

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W.P.No.6395 of 2013

31.10.2022