



Order dated 17.10.2022 in
W.P.No.17391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17391 of 2022

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G.Kannan

.. Petitioner

Vs.

The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu, Chennai-107.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to consider the past service rendered by the petitioner in the Highways Department for the purpose of promotion by considering the petitioner's representations, dated 25.08.2021 and 15.06.2022 within a time frame fixed by this Court.

For petitioner : Mr.S.Sivakumar

For respondents : Mr.D.Veerasekaran for TNHB



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondent to consider the past service rendered by the petitioner in the Highways Department for promotion based on the representations, dated 25.08.2021 and 15.06.2022 within a time frame to be fixed by this Court.

2. According to the petitioner, while serving in the Highways Department, the petitioner submitted an application dated 03.02.2014 seeking permission to participate in the selection process for the post of Assistant Engineer in the Tamil Nadu Housing Board (TNHB). Therefore, according to the petitioner, his period of service in the Highways Department should be considered for the purpose of promotion in the TNHB. The petitioner has given representations on 25.08.2021 and 15.06.2022 to the respondent-TNHB requesting for considering the petitioner's past service in the Highways Department for the purpose of promotion in the TNHB. Since those representations have not been



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considered till date, he has filed the present Writ Petition.

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3. A counter affidavit has been filed by the respondent, denying the contentions of the petitioner. According to them, the petitioner's representation has been duly forwarded to the Government and the Government has rejected the petitioner's request, and therefore, the petitioner's request for counting his past service in his erstwhile Highways Department is unreasonable, untenable and not backed by any Rules or Regulations in force and it has been rejected rightly.

4. However, learned counsel for the petitioner submitted that the request made by the petitioner is only in accordance with law as prior permission was obtained by the petitioner from the Highways Department and only thereafter, he submitted his application seeking for employment in the TNHB, and therefore, the petitioner's past service in the Highways Department ought to have been considered for promotion in the TNHB. No prejudice would be caused to the respondent, if the petitioner is directed to give a fresh representation seeking for the relief sought for in this Writ

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Petition and a direction is issued to the respondent-TNHB to consider the said representation on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the petitioner to submit a representation to the respondent, along with a copy of this order, and request the respondent to treat the petitioner's past service in the Highways Department for the purpose of promotion in the TNHB, within one week from the date of receipt of a copy of this order and on receipt of such a representation, the respondent shall pass final orders on merits and in accordance with law, within a period of 8 weeks thereafter.

6. With the above observations/directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/no
Speaking Order: Yes/no
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To

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ABDUL QUDDHOSE, J

CS

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