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W.P.No.26060 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.26060 of 2022 &
W.M.P.No.25139 of 2022**

1.R.V.Santhi
2.G.Ravindran
3.S.Thangavel
4.K.Balakumar
5.K.Murugesan
6.V.Ravichandran
7.A.Sethurajan
8.C.Indira Gopal
9.S.Ravisankar

... Petitioners

VS.

1.The Chairman of TWAD Board,
The Addl Chief Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, St. George Fort,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

3.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records relating to the third respondent impugned proceedings bearing Letter No.C2/EE/HO/24663-1/2019/Dt.02.09.2022 and quash the same and consequently direct the third respondent to prepare a consolidated panel proposal of Assistant Engineers/Junior Engineers fit for promotion as Assistant Executive Engineers by including the year 2022-2023 as per the crucial date of 01.07.2022 and grant promotions as 3:1 basis among the Assistant Engineers and Junior Engineers.

For Petitioners : Mr.R.Sasikumar

For Respondents : Mr.Krishna Ravindran,
Standing Counsel

ORDER

In this writ petition, the petitioner has challenged the proceedings of the third respondent dated 02.09.2022 under which, Chief Engineers were requested to collect the Service Registers from the Division/Circle offices for the purpose of preparation of panel proposal of Assistant Engineers/Junior Engineers fit for promotion as Assistant Executive Engineers for the year 2019-20, 2020-21 & 2021-22. The impugned proceedings is an internal communication sent by the third respondent to all the Chief Engineers of TWAD board.



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2. The petitioners claim that they are eligible for promotion as Assistant Executive Engineers for the panel year 2022-23. The grievance of the petitioners is that the third respondent ought not to have taken steps to draw the promotion panel for the panel year 2022-23 also. The petitioners have given separate representations on 10.09.2022 to the respondents requesting them to prepare the promotion panel for Assistant Executive Engineers for the year 2022-23. Since their representations have not been considered, the petitioners have challenged the aforementioned proceedings of the third respondent.

3. The learned counsel for the petitioners on instructions would now submit that the petitioners will be satisfied, if their representations requesting the respondents to draw the promotion panel for Assistant Executive Engineers for the year 2022-2023 is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Learned Standing Counsel appearing for the respondent Board would submit that due to the pandemic situation earlier, promotion panel



was not drawn for the last three years and since there was no eligible candidates for being promoted as Assistant Executive Engineers, promotional Panels were not drawn for the years 2019-20, 2020-2021 and 2021-22. Only for the said reasons, under the impugned proceedings, efforts have been taken to draw the panel for the aforementioned years. He would further submit that once the promotional panel is finalised for the aforementioned years, efforts will be taken to draw the promotional panel for the year 2022-23 which the petitioners are seeking. The submissions made by the learned standing counsel for the respondents are recorded.

5. Heard Mr.R.Sasikumar, learned counsel for the petitioners and Mr.Krishna Ravindran, learned Standing Counsel appearing for the respondents.

6. This Court is of the considered view that no prejudice would be caused to the respondents, if the petitioners are allowed to give a representation to the respondents requesting them to finalise the promotional panel for the year 2022-2023 to the post of Assistant Executive Engineers as per the crucial date of 01.07.2022 by including the petitioners' names in the



said panel and the respondents are directed to consider the said representation on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the petitioners to send a joint representation to the third respondent requesting them to prepare a consolidated panel of AEs/JEs/SDEs fit for promotion as Assistant Executive Engineers for the year 2022-23 as per the crucial date of 01.07.2022 by including the petitioners' names in the said panel within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the said representation, the third respondent shall pass final orders on merits and in accordance with law within a period of six weeks thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

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Index:Yes/No

Speaking/Non-speaking orders



To

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ABDUL QUDDHOSE, J.
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