



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1197 of 2023

P.Suresh Kumar

Petitioner

vs.

1.The Principal Secretary,
Highways and Small Ports (H R2) Department,
Secretariat,
Chennai – 600 009

2.The Director General,
Highways Department,
No.76, Sarthar Vallabai Patel Road,
Guindy, Chennai – 600 025.

3.The Chief Engineer,
Highways Department,
Construction & Maintenance,
No.76, Sarthar Vallabai Patel Road,
Guindy, Chennai – 600 025.

4.The Superintending Engineer,
Highways Department,
Construction & Maintenance,
Tirupur.

5.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Erode – 638 002.

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 5th respondent to consider his last representation dated 21.11.2022 for seeking suitable fixation of his salary and promotion properly including annual increments and other eligible rights under service condition from the period 06.09.2002 within a stipulated time fixed by this Court.

For Petitioner : Mr.P.Veeraraghavan

For Respondents : Ms.P.Vijaya Devi
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 5th respondent to consider the representation made by the petitioner on 21.11.2022 wherein, the petitioner has sought for fixation of his salary and promotion including his annual increments and other eligible rights under the service conditions from the period 06.09.2022 onwards, within the time frame fixed by this Court.

2.The case of the petitioner is that he was appointed as a Road Worker by the 5th respondent. The petitioner was arrayed as an accused in an FIR registered for offence under Sections 363, 366A and 376(1) of IPC. Ultimately, final report was filed and the trial was conducted by the Assistant Sessions Judge, Dharapuram in S.C.No.109 of 2004. The petitioner was ranked as A3 in



this case. The petitioner was convicted and sentenced by the trial Court for offence under Sections 366A and 363 of IPC. Aggrieved by the same, the petitioner filed an appeal along with the other accused persons in CrI.A.No.363 of 2005 before this Court.

3.This Court allowed the appeal through Judgment dated 10.03.2011. In the meantime, since the petitioner was convicted by the trial Court, he was terminated from service by invoking FR.No.17(c).

4.Pursuant to the petitioner getting acquitted from all charges, he was reinstated in to service on 02.07.2012 by the 5th respondent and the petitioner also joined the Department and his salary was fixed at Rs.33,852/-

5.The petitioner gave repeated representations to the 5th respondent requesting to fix his salary as per Rules taking note of his seniority in the service and also to afford him with the promotion and other attendant benefits. The latest representation was given by the petitioner on 21.11.2022. Since, none of the representations evoked any response from the 5th respondent, the present writ petition has been filed before this Court seeking for appropriate directions.



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6.Heard Mr.P.Veeraraghavan, learned counsel appearing on behalf of the petitioner and Ms.P.Vijaya Devi, learned Government Advocate appearing on behalf of the respondents.

7.Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 5th respondent to consider the representation made by the petitioner on 21.11.2022 on its own merits and in accordance with law and a final decision shall be taken by the 5th respondent, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 5th respondent along with all the relevant documents and also a copy of this order.

8.This writ petition is disposed of with the above direction. No Costs.

20.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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6

N. ANAND VENKATESH, J.

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