



Writ Petition No.27763 of 2015

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.11.2023**

**CORAM**

**THE HONOURABLE DR.JUSTICE D.NAGARJUN**

**Writ Petition No.27763 of 2015**  
**& MP No.1 of 2015**

S.Manikandan

..Petitioner

vs.

1.The Managing Director,  
Tamil Nadu Water Supply and  
Drainage Board,No.31, Kamarajar Salai,  
Chepauk,Chennai-600 005

2.The Joint Chief Engineer(General),  
Tamil Nadu Water Supply and  
Drainage Board,  
No.31, Kamarajar Salai,  
Chepauk,Chennai-600 005

3.The Secretary-cum-General Manager,  
Tamil Nadu Water Supply and  
Drainage Board,  
No.31, Kamarajar Salai,  
Chepauk,Chennai-600 005  
Respondents

...

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to forbear the respondents from drawing the panel of Assistant Engineer/Junior Engineers fit for promotion as Assistant Executive Engineer for the year 2015-2016 to fill up the



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vacancies in the respondent Board pursuance to the letter of the first respondent dated 20.08.2015, vide no.C2/EE/HO/25156/2015.

For Petitioner : Mr.G.Ravi Sankar  
For Respondents : No appearance

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### **ORDER**

This writ petition has been filed for issuance of a Mandamus, to forbear the respondents from drawing the panel of Assistant Engineer/Junior Engineers fit for promotion as Assistant Executive Engineer for the year 2015-2016 to fill up the vacancies in the respondent Board pursuance to the letter of the first respondent dated 20.08.2015, vide no.C2/EE/HO/25156/2015.

2. The brief facts as per the affidavit enclosed to this Writ Petition are as follows:

The petitioner was working as a Technical Assistant in the respondent Board. He has passed the B.E (Civil) Degree in the year 1994 and he claims to be fully qualified for the post of Assistant Engineer. First respondent by letter dated 20.08.2015 proposed to draw the panel of Assistant Engineer fit for promotion as Assistant Executive Engineer for the year 2015-2016 to fill



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up the vacancies. In the said letter petitioner's junior C.Elumalai was ranked as 31 and petitioner's name was omitted and in-fact petitioner name has to be ranked as 31 and the said Elumalai shall be ranked as 32. Hence the petitioner has filed the Review Petitioner before the first respondent. Thereafter, the petitioner has filed W.P.No.34091 of 2014 seeking for direction to first respondent to dispose of the review petition and the same was disposed on 17.12.2014. In the meanwhile, the first respondent on 20.08.2015 initiated proceedings for drawing panel of Assistant Engineers fit for promotion to the Post of Assistant Executive Engineers. The petitioner has submitted representation to fix the seniority of the petitioner over and above Thiru. Elumalai who is junior to the petitioner, but there is no response. Hence, the petitioner has filed this Writ Petition.

3. It is submitted by the learned counsel for the petitioner that the petitioner has earlier filed WP.No.34091 of 2014 to dispose of the review petition dated 05.02.2014 filed by the petitioner in terms of approved note file order No.16214/A1/SC/HO/2013 dated 28.05.2013 for retrospective seniority made by the second respondent being competent authority and in terms of counter approval given in the note file orders dated 31.05.2013 &



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25.06.2013 and that the review petition is still pending with the first respondent. Therefore, the petitioner has filed a representation dated 24.08.2015, requesting the first respondent to dispose of the review petition. However, the same has not been considered till now.

4. Learned counsel for the first respondent has filed counter affidavit and submitted that the petitioner was not at all eligible for the post of Assistant Engineer by considering the Inter-se seniority, at the ratio 78:22 between Junior Draughting Officers and Technical Assistant. It is submitted further that basing on vacancy position of Assistant Engineers, selection of Thiru.S.Manikandan for the post of Assistant Engineer during the year 2010 is based on Selection Committee recommendation 2010 is completely in order. The petitioner has again contended in his case which is not in order as per rules/regulations and the matter is subjudiced vide W.P.No.34091 of 2014. Hence, the learned counsel prays to dismiss the Writ Petition.

5.Heard Mr.G.Ravi Sankar, the learned counsel for the petitioner.  
There is no representation on behalf of the respondents.



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6. In view of the submissions made by the learned counsel for the petitioner and on perusal of the counter affidavit filed by the respondents, there shall be a direction to the first respondent to consider the representation made by the petitioner on 24.08.2015 and to dispose of the review petition, which was filed on 05.02.2014 pending with the first respondent(if not already disposed of) on its own merits and in accordance with law as expeditiously as possible not later than eight weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

**29.11.2023**

Index : Yes/No  
Speaking order: Yes/No  
dn/jai



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**Dr.D. NAGARJUN, J**

dn/jai

To

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