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W.P.No.35197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35197 of 2023

S.Sethupathy

S/o.R.Sethuramalingam

...Petitioner

Vs

1.The State of Tamilnadu

represented by its

Principal Secretary to Government,

Highways and Minor Ports (HL2) Department,

Secretariat, Fort St.George,

Chennai - 600 009.

2.The Director General,

Highways Department,

Integrated Chief Engineers Complex,

No.76, Sardar Patel Road,

Guindy, Chennai - 600 025.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to restore the seniority of the petitioner herein between Mr.M.Selva Kumar (Sl.No.68) and Mr.K.Senthil Kumar (Sl.No.69) in the seniority list as on date and to include the name of the petitioner in the ensuing panel for promotion to the Superintending Engineer.



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For Petitioner : Mr.J.V.Niranjan

For Respondents : Mr.VPR.Elamparathi
Additional Govt. Pleader [R1 & R2]

ORDER

With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The limited prayer sought for in the present Writ Petition is for a direction to the respondents to restore the seniority of the petitioner herein between Mr.M.Selva Kumar (Sl.No.68) and Mr.K.Senthil Kumar (Sl.No.69) in the seniority list and to include the name of the petitioner in the ensuing panel for promotion to the Superintending Engineer.

3. This Court is of the view that such a claim requires to be considered by the concerned respondent and this Court may not be justified in stepping into the shoes of the respondents to consider the same. Nevertheless, if the petitioner is granted liberty to give a representation to the respondents herein, ventilating his grievances, with a



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consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to give a representation to the respondents, ventilating his grievances and on receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is open to the concerned respondent to consider it on its own merits.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

19.12.2023

Index:Yes/No
Speaking order/Non-speaking order
gpa

To

1.The Principal Secretary to Government,



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Highways and Minor Ports (HL2) Department,
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M.S.RAMESH,J.

gpa

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