



W.P.(MD)No.3710 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.3710 of 2023
and
W.M.P.(MD)No.3490 of 2023**

M.Subramanian

... Petitioner

Vs.

1. The Engineer in Chief (WRO) and
Chief Engineer (General),
Public Works Department and Water
Resources Department,
Chepauk,
Chennai - 600 005.

2. The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Keel Vaigai Basin Section,
Sivagangai.

3. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Manimuthar Basin Division,
Devakottai Post,
Sivagangai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 03.01.2022 and to fix the petitioner's seniority and to promote the petitioner to the post of Office Superintendent on par with his junior and to grant all attendant and service benefits.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the first respondent to consider the petitioner's representation dated 03.01.2022 and to fix the petitioner's seniority and to promote the petitioner to the post of Office Superintendent on par with his junior and to grant all attendant and service benefits.

2. The case of the petitioner is that the petitioner was initially appointed as Typist on 05.09.2007 by the District Collector, Sivagangai based on his employment seniority and posted in Devakottai Taluk Office.



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Thereafter, by way of redeployment, he was allotted to the Public Works Department. As per the orders of the Government, the Tamil Nadu Public Service Commission conducted a Special Qualifying Test to the petitioner and similarly placed persons in the State and appointed them in the regular time scale of pay. Hence, the petitioner was appointed as Typist in the Public Works Department on 07.01.2011 and his services were regularised with effect from his date of initial appointment and further, he was promoted to the post of Assistant on 07.03.2014. Based on the last drawn salary certificate issued by the Revenue Department, the petitioner's pay was fixed and based on the audit objection, a recovery and re-fixation order was passed on 30.04.2012. As against the order of recovery and re-fixation, the petitioner has filed a Writ Petition before this Court in W.P.(MD)No.6823 of 2012 and the same was allowed on 03.03.2017, pursuant to which, the respondents have filed an appeal before the Hon'ble Division Bench of this Court in W.A.(MD)No.390 of 2018 and the same was dismissed on 29.04.2021. During the pendency of the above said Writ Petition and the Writ Appeal, the petitioner's promotion was denied by the respondents. Hence, the petitioner has submitted a representation dated 03.01.2022



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through proper channel. But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to consider the petitioner's representation dated 03.01.2022, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 03.01.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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