



WEB COPY



W.P.No.1358/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1358 of 2021
and W.M.P.No.1527 of 2021

M.Vasantha Narayanan

...

Petitioner

/vs/

1. The Engineer – in – Chief
(Water Resource Development) – cum-
The Chief Engineer (General),
Public Works Department,
Chennai – 600 005.
2. The Engineer – in – Chief (Buildings)
– cum – The Chief Engineer (Buildings),
Public Works Department,
Chennai Region,
Chennai – 600 005.
3. The Superintending Engineer,
Buildings (Construction & Maintenance) Circle,
Public Works Department,
Chennai – 600 005.
4. The Electrical Engineer,
Electricity Division No.1,
Chepauk,
Chennai – 600 005.

... Respondents



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WEB COURT

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records in proceedings of the fourth respondent in Letter No.Ni.A.1/101/2020 dated 13.02.2020 rejecting the application of the petitioner regarding regularization of his services as Junior Draughting Officer to refer the same to the third respondent, quashing the same and further direct the respondents to promote the petitioner as Draughting Officer (Electrical) from the date when his juniors are promoted with service and monitory benefits.

For Petitioner ... Mr.K.Subburam

For Respondents ... Mr.S.Arumugam
Government Advocate for R1 to R4

ORDER

The petitioner who was appointed as an Assistant Draughtsman on compassionate ground in the year 2012, was promoted to the post of Junior Draughting Officer on 16.11.2015 in the office of the fourth respondent. The petitioner gave a representation to regularize his service to the post of Junior Draughting Officer. However the same was not considered in view of the pending criminal case against the petitioner before the Judicial



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Magistrate, Palani. The Juniors to the petitioner were promoted and even the case pending against him has ended in acquittal on 09.12.2021. Since the petitioner has not been given with promotion or regularization in view of the criminal case, the petitioner has filed this writ petition challenging the order of the fourth respondent in Letter No.Ni.A.1/101/2020 dated 13.02.2020 and to direct the respondents to promote him as Draughting Officer (Electrical) from the date when his juniors are promoted, with service and monitory benefits.

2. Mr.K.Subburam, the learned counsel for the petitioner, submitted that the petitioner's name was earlier included in the promotion panel of the year 2019, however the same was deleted subsequently in view of the pending criminal case; the representation given by the petitioner in this regard on 23.12.2020 also did not evoke any response from the respondents.

3. Since the criminal case against the petitioner ended in acquittal, the petitioner's representation can be considered in pursuant to the



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judgment of the trial Court dated 02.12.2021 made in C.C.No.15 of 2020

on the file of the learned Judicial Magistrate, Palani.

4. Accordingly, the impugned proceedings of the fourth respondent in Letter No.Ni.A.1/101/2020 dated 13.02.2020 is hereby quashed and the respondents are directed to consider the representation of the petitioner dated 23.12.2020 and pass fresh orders within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition is disposed. No costs. Connected miscellaneous petition is closed.

15.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn



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R.N.MANJULA ,J.

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