



WEB COPY



W.P.No.34170 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

W.P.No.34170 of 2012

and

M.P.No.1 of 2012

N.Bagavathsingh

... Petitioner

vs.

The Managing Director,
Tamilnadu Water Supply & Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai 600 005.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the respondent's order made in Proc.No.24856/Estt.(Per)/A5/2012 sated 16.10.2012, to quash the same and consequently direct the respondent to forthwith promote the petitioner as Superintending Engineer with effect from 09.11.2012, the date on which his immediate junior was promoted as such and to extend all benefits both service and monetary.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Ms.Shahila Banu



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Spl.Govt.Pleader.

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ORDER

The proceedings No.24856/Estt.(Per)/A5/2012 dated 16.10.2012 passed by the respondent is under challenge.

2. The petitioner submits that he was appointed as Assistant Engineer on 22.04.1978 in the respondents Board. He was promoted as Assistant Executive Engineer on 22.06.1991 and as Executive Engineer on 11.04.2008. He was continued in the said post and He was superannuated on 31.12.2012.

3. The petitioner further submits that the next avenue of promotion from the post of Executive Engineer is to that of Superintending Engineer, which is a non-selection post.

4. He would further submit that the petitioner was working as Executive Engineer, he was awarded with a minor penalty based on charge memo dated 21.03.2012 under Regularization 9(a) of the



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Tamil Nadu Water Supply and Drainage Board Employees' (Discipline and Appeal) Regulations, 1972 and he was imposed with the penalty of censure by Proceedings dated 08.08.2012.

5. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Ms.Shahila Banu, learned Standing counsel for the respondents.

6. By a proceedings dated 06.10.2012 issued by the Managing Director of TWAD Board, as the petitioner was awarded punishment of censure, his name was not included in the panel of Civil Engineer fit for promotion as Superintending Engineer for the year 2012-2013. As per Schedule-9 Part A II as regards the consideration of members for inclusion in the approved list, if a member of the service suffered punishment of censure imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the panel list. Therefore, the petitioner has failed to made out the case .



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7. Based on the aforestated observation, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
kkd

To

The District Collector,
Adi Dravidar and Schedule Tribes
Department,
Namakkal District.



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R.KALAIMATHI, J.,

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