



WEB COPY



W.P.No.10809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.10809 of 2024

K.Kuppusamy

... Petitioner

Vs.

1.The Government of Puducherry,
Through its Secretary to Government,
(Education) cum Chairman, Staff Selection Committee,
Puducherry Technological University,
Chief Secretariat,
Puducherry – 605 001.

2.The Member-Secretary cum Director,
Directorate of Higher and Technical Education,
Government of Puducherry,
Puducherry – 605 008.

3.The Vice Chancellor,
Puducherry Technological University,
Pillaichavady,
Puducherry – 605 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the 3rd respondent herein to promote the petitioner to the post of Junior Engineer (Civil) with effect from 01.02.2013 with consequential, monetary and other benefits in the light of the order of this Court made in W.P.No.4020 of 2013 dated 28.02.2013.



W.P.No.10809 of 2024

For Petitioner : Mr.M.R.Thangavel
For Respondents : Mr.Syed Musthafa
Special Government Pleader (Pondy)

ORDER

This writ petition has been filed for a direction to the 3rd respondent herein to promote the petitioner to the post of Junior Engineer (Civil) with effect from 1.2.2003 as per the order of this Court in W.P.No.4020 of 2013 dated 28.08.2013.

2. Mr.Syed Musthafa, learned Special Government Pleader (Pondy) takes notice for the respondents.

3. This Court proceeds to pass an final order in the writ petition in view of the nature of order to be passed herein after.

4. On a perusal of the affidavit filed in support of the writ petition, it can be seen that the grievance of the petitioner is that he was denied promotion by the 3rd respondent on administrative grounds without any fault whatsoever. The entire grievance of the petitioner was agitated in detail in



W.P.No.10809 of 2024

W.P.No,4020 of 2013 and the same was allowed in favour of the petitioner

on the following terms:-

“22.For the reasons stated above, the petitioner who has been denied promotion by the 3rd respondent without any substantive ground but for the sole reason of without drawing the year wise panel and without convening DPC, is entitled to the relief sought for. Accordingly, the 3rd respondent is directed to give retrospective promotion to the petitioner with effect from 01.02.2013 and grant him consequential monetary and other benefits, if he is otherwise entitled to.”

5. The grievance of the learned counsel for the petitioner is that the said order is not implemented till date. He would submit that since time period is not mentioned in the said order, he is not in a position to file a Contempt Petition and the one year period is also over. Therefore, he has come by way of the present writ petition.

6. I am unable to accept both the contentions of the learned counsel for the petitioner. Even if any time period is not fixed by the Court while allowing the writ petition the respondents have to comply within a reasonable period. Secondly, the one year period also will not come in the way of the petitioner, because, every day, the respondents remain without complying with the earlier order dated 28.02.2023, it will give rise to fresh cause of



W.P.No.10809 of 2024

action and the period of limitation would not be applicable, in the directions of the instant nature where the respondents are remaining without compliance.

7. In view thereof, while disposing of this writ petition as not maintainable, this Court also sees that the respondents have to comply with the order dated 28.02.2023. Therefore, the respondents shall take immediate steps to comply with the order dated 28.02.2023 in W.P.No.4020 of 2013, in any event, not later than a period of four weeks from the date of receipt of a copy of this order. If the respondents do not comply with the directions of the earlier order of this Court, it is open for the petitioner to file a contempt petition in W.P.No.4020 of 2013, which would be the correct remedy which is available to the petitioner.

8. This writ petition stands disposed of. No costs.

22.04.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
jas



W.P.No.10809 of 2024

To
WEB COPY

- 1.The Government of Puducherry,
Through its Secretary to Government,
(Education) cum Chairman, Staff Selection Committee,
Puducherry Technological University,
Chief Secretariat,
Puducherry – 605 001.
- 2.The Member-Secretary cum Director,
Directorate of Higher and Technical Education,
Government of Puducherry,
Puducherry – 605 008.
- 3.The Vice Chancellor,
Puducherry Technological University,
Pillaichavady,
Puducherry – 605 014.



WEB COPY



W.P.No.10809 of 2024

D.BHARATHA CHAKRAVARTHY, J.

jas

W.P.No.10809 of 2024

22.04.2024