



WEB COPY



W.P.No.533 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.533 of 2021

K.Shanmugam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Highways and Rural Works Department,
Secretariat, Chennai 600 009.

2.The Director General,
Highways Department,
Chepauk, Chennai 600 005.

3.The Divisional Engineers,
Highways (Construction and Maintenance) Department,
Krishnagiri,
Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to notionally promote the petitioner to the post of Road Inspector, Grade - I, by extending the benefits of G.O.Ms.No.856 (Public Works Department) dated 01.06.1977 as extended in case of similarly placed persons as per order in W.P.(MD) No.7738 to 7749 of 2008 dated 12.12.2012 and G.O.(D).No.56, Highways and Minor Ports (HR1) Department, dated



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16.03.2018 and consequently, revise the pay scale of the petitioner with effect from 25.09.1985 and direct the respondents to disburse the arrears thereto along with other benefits including pensionary benefits.

For Petitioner : Mr.J.A.Enoch Livingstone for
Mr.M.Muruganantham

For Respondents : Mr.R.P.Murugan Raja, GA

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to notionally promote the petitioner to the post of Road Inspector, Grade - I, by extending the benefits of G.O.Ms.No.856 (Public Works Department) dated 01.06.1977 as extended in case of similarly placed persons as per order in W.P.(MD) No.7738 to 7749 of 2008 dated 12.12.2012 and G.O.(D).No.56, Highways and Minor Ports (HR1) Department, dated 16.03.2018 and consequently, revise the pay scale of the petitioner with effect from 25.09.1985 and direct the respondents to disburse the arrears thereto along with other benefits including pensionary benefits.



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2. Heard Mr.J.A.Enoch Livingstone, learned counsel for the petitioner and Mr.R.P.Murugan Raja, learned Government Advocate for the respondents.

3. The petitioner is said to be working as Grade II Road Inspector. According to the petitioner he is entitled to get promotion to the post of Road Inspector Grade I in pursuant to G.O.Ms.No.856, Public Works Department dated 01.06.1977. Since the petitioner has not been promoted even after completion of five years of service, he has filed this Petition. Reliance was placed on the orders passed in W.P.Nos.7738 to 7749 of 2008 in which the benefit of G.O.Ms.No.856 has been extended to the petitioners therein.

4. However, the learned Government Advocate for the respondents submitted that the petitioner is not qualified to get promotion as Grade I Road Inspector in terms of G.O.Ms.No.856 dated 01.06.1977. It is further submitted that he has not completed five years of continuous service in the cadre of Road Inspector Grade II and hence he is not entitled to be promoted to Road Inspector Grade I .



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5. The petitioner is said to have given a representation to the respondents in this regard. Since the petitioner has claimed that he has completed five years of service, the same can be looked into by the second respondent before rejecting the request of the petitioner for promotion.

6. In the result, this Writ Petition is disposed and the second respondent is directed to consider the representation of the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

09.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

1.The Secretary to Government,
Highways and Rural Works Department,
Secretariat, Chennai 600 009.

2.The Director General,

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Highways Department,
Chepauk, Chennai 600 005.

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3.The Divisional Engineers,
Highways (Construction and Maintenance) Department,
Krishnagiri,
Krishnagiri District.



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