



W.P.No.21771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21771 of 2024
and
W.M.P. No. 23747 of 2024

G.Manuneethi

... Petitioner

Vs

1. Additional Chief Secretary to Government,
Highways and Minor Ports,
(HL2 Department),
Secretariat, Chennai – 09.

2. Principal Secretary to Government,
Highways and Minor Ports,
(HL2 Department),
Secretariat, Chennai – 09.

3. Director General Highways,
Guindy, Chennai – 600 025.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the name of the petitioner for promotion to the post of Superintending Engineer, Highways Department pursuant to the representation dated 03.06.2024, within a time frame fixed by this Court.



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For Petitioner : Mr. S.Rajendrakumar

For Respondent : Mr. S.Arumugam,
Government Advocate

ORDER

With the consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed for directing the respondents to consider the representation dated 03.06.2024, made by the petitioner, seeking promotion to the post of Superintending Engineer in the Highways Department.

3. The petitioner had joined the service as Assistant Engineer on 11.09.1991 in the Highways Department. Subsequently, he was promoted to the posts of Assistant Executive Engineer and Deputy Chief Engineer. While that being so, by G.O. (Ms) No. 124, Highways and Minor Ports Department (HK.1) dated 26.12.2016, a provisional list of candidates eligible for the post of Superintending Engineer for the year 2016-17 was



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issued, where the petitioner's name was included at serial No.24. However, in a subsequent G.O. (D) No. 140, Highways and Minor Ports Department (HK.1) dated 15.06.2017, the petitioner's name was not included.

3.1. Subsequently, the petitioner was served with charge memo dated 14.06.2017, pertaining to contract works. After appointing an Enquiry Officer, the disciplinary proceedings are pending against the petitioner. Though the petitioner filed Writ Petitions before the Madurai Bench of this Court in W.P. (MD) Nos. 19445 and 19449 of 2019, this Court, by order dated 22.10.2019, directed the disciplinary authority to conclude the disciplinary proceedings within a period of 9 months. Thereafter, the disciplinary authority has failed to complete the disciplinary proceedings so far. Even after the direction issued in the Contempt Petition in Cont.P.No.1839 of 2024, the disciplinary authority has not completed the enquiry.

4. It is seen from the records that since the charge is pending against the petitioner, the petitioner's name is not included in the panel for



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promotion to the post of Superintending Engineer. The charge memo has been pending since the year 2017.

5. In view of the above, the respondents are directed to consider the case of the petitioner for inclusion of his name in the panel for promotion to the post of Superintending Engineer, subject to the outcome of the disciplinary proceedings.

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

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Index:Yes/No
Neutral Citation/Yes/No
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1. The Additional Chief Secretary to Government,
Highways and Minor Ports,
(HL2 Department),
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G.K.ILANTHIRAIYAN, J.

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