



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24832 of 2024

A.Sasirekha

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director General,
Highways Department,
Guindy,
Chennai – 600 025.

3.The Chief Engineer (Highways Project)
Highways Department,
Office of the Director General of Highways Department,
Guindy,
Chennai – 600 025.

4.The Superintending Engineer (Highways Project)
O/o. Superintending Engineer,
No.16, GST Road,
BSNL Telephone Exchange Building,
Alandur, Chennai – 600 016.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders granting revision of seniority in the post of Assistant Divisional Engineer on inclusion of the name of the petitioner in 2006-2007 panel with consequential promotion on par with juniors with further promotion to the higher post of Superintending Engineer consequent to rectification of date of sanctioning of annual increment ordered by the proceedings of 2nd respondent in Order No.819/Nir 2(2)/2018-10 dated 22.8.2019 as well as the proceedings of 3rd respondent in Che.Mu.Ka.No.1618/Niru2/2018 dated 20.11.2019, in consideration of Application submitted by the petitioner dated 02.03.2020 followed by the Letter issued by the 3rd respondent in Letter No.1251/N2/2020 dated 18.6.2020, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to pass orders granting revision of seniority in the post of Assistant



Divisional Engineer by including the name of the petitioner in 2006-2007 panel with all consequential terminal and monetary benefits and for a further promotion to the higher post of Superintending Engineer consequent upon the rectification of date of sanctioning of annual increment ordered by the proceedings of the 2nd respondent in Order No.819/Nir 2(2)/2018-10 dated 22.8.2019 and the proceedings of 3rd respondent in Che.Mu.Ka.No.1618/Niru/2/2018 dated 20.11.2019 by considering the application submitted by the petitioner on 02.03.2020.

2.Heard Mr.G.Sankaran, learned Senior Counsel appearing on behalf of the petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that she was initially appointed as an Assistant Engineer in the year 1991. Thereafter, she was promoted as an Assistant Divisional Engineer in the year 2008 and as Divisional Engineer in the year 2018. A charge memo came to be issued against the petitioner for unauthorized absence and punishment was imposed by proceedings dated 14.02.2002 to the effect that there will be stoppage of increment for four year without cumulative effect.



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4.The petitioner filed an appeal before the 1st respondent which also came to be rejected through proceedings dated 23.01.2006.

5.In the light of the above punishment, the petitioner's promotion to the post of Assistant Divisional Engineer, Divisional Engineer and further promotion to the post of Superintending Engineer was delayed. The grievance seems to that the juniors were promoted to the post of Assistant Divisional Engineer in the year 2004 and as Divisional Engineer in the year 2011 and subsequently, in the post of Superintending Engineer in the year 2016.

6.The petitioner submitted representations to the respondents requesting to revise her seniority in the post to Assistant Divisional Engineer by considering her promotion based on the 2006-2007 panel on par with her juniors and consequently, promote the petitioner to the post of Superintending Engineer. Since repeated representations did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.



7. Taking into consideration the facts and circumstances of the case and also materials that have been placed before this Court, there shall be a direction to the 2nd respondent to deal with the application submitted by the petitioner on 02.03.2020 and also the subsequent representation made by the petitioner on 07.06.2023 and pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

8. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

9. This writ petition is disposed of with the above directions. No Costs.

30.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



N. ANAND VENKATESH, J.

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To

- 1.The Principal Secretary to Government,
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