



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.27397 of 2024
and W.M.P.No.29897 of 2024

D.Venkatesan

... Petitioner

Vs.

1.The Principal Secretary to Government
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Greater Chennai City Corporation,
Rippon Building, Chennai – 600 003.

3.The Director of Municipal Administration (DMA),
Municipal Administration,
Santhome High Road,
Chennai – 600 028.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Assistant Executive Engineer (Electrical) to be filled up from amongst the quota of Junior Engineer (Electrical) on the basis of the Assistant Executive Engineer panel



drawn for the year 2023-2024 as per proceedings dated 22.12.2023 in which the petitioner name is find place at S.No.2.

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For Petitioner : Ms.N.Kavitha Rameshwar

For Respondents : Mr.C.Selvaraj
Additional Government Pleader for R1 & R3

Mrs.P.T.Ramadevi
Standing Counsel for R2

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to promote the petitioner to the post of Assistant Executive Engineer (Electrical) to be filled up from the quota for Junior Engineer (Electrical) on the basis of the Assistant Executive Engineer panel drawn for the year 2023-2024 through proceedings dated 22.12.2023.

2.Heard Ms.N.Kavitha Rameshwar, learned counsel appearing on behalf of the petitioner, Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of respondents 1 and 3 and Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the 2nd respondent.



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3.The case of the petitioner is that he was initially appointed as a Technical Assistant in the 2nd respondent Corporation on 18.12.1996. Thereafter, he was promoted as a Junior Engineer w.e.f., 22.08.2006. The further case of the petitioner is that as per G.O.Ms.No.96, dated 29.07.2016 and the consequent amendment that was brought in by Chennai Corporation Engineering Service Rules, the post of Assistant Executive Engineer (Electrical) can be filled up by promotion from the cadre of Assistant Executive Engineers and Junior Engineers in the ratio of 3:1. Some of the Assistant Engineers had filed a writ petition before this Court in W.P.No.3756 of 2020 with respect to the dispute regarding seniority as among the Assistant Engineers. This writ petition was disposed of and a direction was given to the respondent Corporation to proceed further with the seniority list already drawn.

4.Accordingly, the 2nd respondent prepared the panel for the post of Assistant Executive Engineer with 3:1 ratio, wherein, the name of the petitioner was placed in S.No.2 under the Junior Engineer quota.

5.As against the order passed in the writ petition, writ appeal was filed in W.A.No.810 of 2024. An order of *status quo* was granted by the Division Bench. In



view of the same, the entire process of promotion came to a stalemate. Hence, the petitioner filed CMP No.7139 of 2024, to vacate the interim order.

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6. When the matter came up for hearing before the Division Bench on 10.04.2024, the Division Bench modified the *status quo* order and made it clear that the *status quo* order will confine itself only to the issue relating to the Assistant Engineers and it will not have any bearing on the Junior Engineers. For proper appreciation, the relevant portions in the order are extracted hereunder:

2. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondents 17 and 18/Chennai Corporation, who submitted that when the matter was taken up for consideration on 26.03.2024, it was wrongly represented that the issue involved herein is in no way connected to the Assistant Engineers, but, related to the Assistant Executive Engineers. But, the fact remains that the issue involved in the writ appeal is in no way connected to the Junior Engineers, but related to the Assistant Engineers and the Assistant Executive Engineers; and that, the pendency of the writ appeal will not affect the promotion of the Junior Engineers. Therefore, the learned counsel sought to rectify the error that had occasioned in paragraph 3 of the order dated 26.03.2024 in CMP.No.7139 of 2024 in WA No.810 of 2024.



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3. Considering the above submissions, this court is inclined to rectify the error that had occasioned in paragraph 3 of the order dated 26.03.2024 passed in the miscellaneous petition, and the same is accordingly rectified. The said paragraph, after correction, reads as under:

"3. On the other hand, the learned Standing Counsel appearing for the respondents 17 and 18 / Chennai Corporation, on instructions, submitted that the issue involved in the writ appeal is in no way connected to the Junior Engineers, but, relates to the Assistant Engineers and the Assistant Executive Engineers and that, the pendency of the writ appeal will not affect the promotion of the Junior Engineers."

Except the aforesaid correction, the order dated 26.03.2024 remains unaltered.

7. In spite of the above order, the respondent did not proceed further with the promotion to the post of Assistant Executive Engineer from the Junior Engineer quota. The representation made by the petitioner also did not evoke any response. It is under these circumstances, the present writ petition came to be filed before this Court seeking for appropriate directions.



8. In the considered view of this Court, the Division Bench by order dated 10.04.2024 has clarified that the interim order passed in the writ appeal is in no way connected to the Junior Engineers. Therefore, there is absolutely no bar for the Corporation to proceed further with the process of promotion insofar as Junior Engineers are concerned. Hence, there shall be a direction to the 1st and 2nd respondents to deal with the representation made by the petitioner on 09.07.2024 in the light of the observations made by this Court and commence the process of promotion from among the Junior Engineers to the post of Assistant Executive Engineer (Electrical).

9. The petitioner is directed to make a fresh representation to the 1st and 2nd respondents along with a copy of this order.

10. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

Internet : Yes
Index : Yes



Speaking Order / Non Speaking Order
ssr

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To

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N. ANAND VENKATESH, J.

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