



WEB COPY



W.P.No.31787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.31787 of 2024

R. Christopher Raja

...Petitioner

Vs

1. The Government of Tamil Nadu Represented
by its Secretary to Government
Municipal Administration and Water
Supply Department, Secretariat, Chennai – 600 009.

2. The Director of Municipal Administration
No.75m Santhome High Road,
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028.

3. The Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second Respondents to consider the Representations submitted by the petitioner on 27.11.2023 and 12.09.2024 and consequently to direct the Respondents to treat the period of suspension from 02.05.2008 to 28.12.2012 as Duty as per Ruling (10) of Rules 54(B) of the Tamil Nadu Fundamental Rules and also to consider the name of the petitioner for promotion as Assistant Executive Engineer from the date of promotion of



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the Junior S.Mohammed Shahul Hameed promoted as Assistant Executive Engineer in the proceedings dated 14.07.2020 and joined duty on 15.07.2020 with all consequential service and monetary benefits and to pass appropriate orders.

For Petitioner : Mr. T. Ranganathan

For Respondents-1 and 2 : Mr.Abishek Murthy
Government Advocate

For Respondent-3 : Mr.P.S. Prabu,
Standing Counsel

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the first and second Respondents to consider the Representations submitted by the petitioner on 27.11.2023 and 12.09.2024 and consequently to direct the Respondents to treat the period of suspension from 02.05.2008 to 28.12.2012 as Duty as per Ruling (1) of Rules 54(B) of the Tamil Nadu Fundamental Rules and also to consider the name of the petitioner for promotion as Assistant Executive Engineer from the date of promotion of the Junior S.Mohammed Shahul Hameed promoted as Assistant Executive Engineer in the proceedings dated 14.07.2020 and joined duty on 15.07.2020 with all consequential service and monetary benefits and to pass appropriate orders.



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2. Mr.Abishek Murthy, Government Advocate takes notice for the first and second respondents. Mrs. P.S. Prabu, standing counsel takes notice for the third Respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as the post of Junior Engineer in the Tamil Nadu Municipal Engineering Service. Whiles, a criminal case was filed against the petitioner by the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Kanyakumari. Due to which the second respondent has placed the petitioner under suspension in the proceedings in Rc.No.22585/2008/OP4 dated 02.05.2008. The grievance of the petitioner is that second respondent has prepared the panel for promotion for the post of Assistant Executive Engineer for the year 2019-2020 in the proceedings Roc.No.28618/2019/F1 dated 14.07.2020, wherein junior to the petitioner one Thiru s.Mohamed Shahul Hameed was promoted as Assistant Executive Engineer. The sum and substance of the case is that the respondent has not considered the suspension period of



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the petitioner as duty period, due to which his promotional aspects has been affected. Hence, the petitioner has given a representation to the second respondent on 27.11.2023 and 12.09.2024 regarding the said issue. However, the same was not considered. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to disburse the arrears of salary due to the petitioner and pass orders.

5. The learned Government Advocate appearing for the respondents submitted that they will consider the case of the petitioner and pass orders in the manner known to law.

6. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 27.11.2023 and 12.09.2024 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, this Writ Petition stands disposed
of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To

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V.BHAVANI SUBBAROYAN,J.

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