



W.P.(MD).No.2494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2494 of 2024

B.Vivekananthan

...Petitioner

Vs

- 1.The Engineer in Chief Water Resources
Organisation and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.
- 2.The Chief Engineer,
Public Works Department (Building),
Trichy Region,
Trichy-20.
- 3.The Superintending Engineer,
Public Works Department,
Building Construction and Maintenance Circle,
Thiruvarur.
- 4.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Circle,
Thiruvarur.
- 5.The Assistant Executive Engineer,
Public Works Department,
Building Construction and Maintenance Sub-Division,
Thiruvarur.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner



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as Work Inspector Grade (III) with effect from 01.04.2019 with all monetary and consequential benefits as per the order of the 2nd respondent vide 1(4)/(524/19)/2022 (5385), dated 15.12.2022 with the stipulated time fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents :Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to promote the petitioner as Work Inspector Grade (III) with effect from 01.04.2019 with all monetary and consequential benefits as per the order of the 2nd respondent vide 1(4)/(524/19)/2022 (5385), dated 15.12.2022 with the stipulated time fixed by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Masthoor on daily wages on 01.08.1991 in the respondent department in Thanjavur South Section. After completion of 10 years of service, he was regularized as Helper on 01.01.2002. Further, after completion of 10 years, he was upgraded as



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Selection Grade Assistant from 25.10.2014 vide proceedings of the 5th respondent, dated 12.10.2015. Thereafter, he made representations on 23.11.2015 and 14.07.2022 requesting to promote him as Work Inspector Grade-III and all those applications were forwarded to the Superintending Engineer, Public Works Department, Building Construction and Maintenance Circle, Thanjavur by the Executive Engineer, Building Construction and Maintenance Region, Nagapattinam vide office letter, dated 22.07.2022. The 2nd respondent issued an order, dated 15.12.2022 directing to promote him from 01.04.2019 with retrospective effect by implementing the Special Rules. However, the same was not done and on attaining the age of superannuation, he retired as Helper itself on 30.11.2022. Even before retirement and after retirement, he made several representations seeking promotion as Work Inspector Grade – III and the last of such was on 16.03.2023. Since the same was not considered, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in



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invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 16.03.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs

07.02.2024.

Internet : Yes
Index : Yes/No
NCC : Yes/No

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To

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L.VICTORIA GOWRI, J.

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