



WP(MD) No.3220 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.3220 of 2024

and

WMP(MD)Nos.3181 & 3184 of 2024

S.Sridhar

.. Petitioner

Vs.

1. The Engineer in Chief and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 5.

2. The Chief Engineer,
Public Works Department,
Trichy Region,
Trichy District.

3. The Engineer in Chief and Chief Engineer (General),
Water Resources Department,
Chepauk,
Chennai - 5.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to



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the impugned order passed by the 1st respondent in Lr.No.S3(1)/026227/2024 dated 05.01.2024 and quash the same and consequently directing the 1st respondent to promote the petitioner based on the seniority list for the year 2019-2020 within a time frame stipulated by this Court.

For Petitioner : Mr. Aayiram K Selvakumar

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

The petitioner filed this writ petition seeking to quash the impugned order passed by the 1st respondent in Lr.No.S3(1)/026227/2024 dated 05.01.2024 and consequently to direct the 1st respondent to promote the petitioner based on the seniority list for the year 2019-2020 within a time frame stipulated by this Court.

2. Heard Mr.Aayiram K Selvakumar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.



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

4. The petitioner was appointed as an Electrical Helper in the feeder category and he is eligible to be promoted to the post of Technical Assistant. A seniority list was published on 28.01.2020 for the year 2019-2020, in which the petitioner was one among the eligible employees for promotion. In the meantime, one Sridhar has filed W.P(MD)No.22670 of 2023 before this Court, challenging the another panel and an order has been passed in the said writ petition. Due to the impact of the said order, the panel already prepared on 28.01.2020 has not been considered and now the first respondent has released another panel for the year 2020-2021 for promotion. So, the petitioner claims that he is entitled to be included in the earlier panel itself, but, he has been pushed to the subsequent panel and it is not legal.

5. Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents submitted that no one junior to the petitioner has been promoted despite the panel was spread over to the subsequent year and so the petitioner



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cannot have any grievance, as he has been promoted as per the promotion panel list for the year 2021.

6. However, this writ petitioner has given a representation dated 12.07.2023 to include him in the 2019-2020 panel in which an order has been passed on 05.01.2024 wherein it is observed as follows:

“Pursuant to Government Order G.O.No.334 PW (C2) Dept., dated 19.10.2007, 1056 daily wage employees were converted into permanent workers from the release date of said G.O. Subsequently, as per G.O.No. 281/PW(C2)/Department dated 11.11.2020, the completion of 10 years of service was considered for regularization, and monetary benefits were issued through a pre-dated order from 19.10.2007.”

7. It is further stated that there is a misunderstanding regarding the seniority as found in the seniority list dated 28.01.2020 and it is not correct to assume that the said list serves as the promotion seniority is unfounded and speculative and that no promotion is given to any individual to the post of Technical Assistant during the year 2019.



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8. In such case, there cannot be the grievance to the petitioner for having got the promotion in the subsequent year, except the possibility to claim a notional effect from the panel year when he had acquired the eligibility. Even though promotion cannot be claimed as a matter of right, when the promotion panel is drawn and released, it gives a legitimate expectation in the mind of the employees that their promotion is due in a particular year. Though there is no other person is included between the year 2020-2021, if the petitioner was promoted in 2019-2020, he would get the promotional pay which would result in better consequential service benefits. The petitioner has been given a promotion subsequently and quashing the order in entirety will go detrimental to the petitioner's very interest.

9. So, the petitioner can give a representation to the respondents to consider his request in order to give some notional effect from the year 2019-2020 through which his name was approved to be promoted to the next level of 'Technical Assistant'. On receipt of the same, the respondents shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



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10. With the above direction, this writ petition is **disposed of**. No Costs.

Consequently, connected miscellaneous petitions are closed.

01.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
P JL

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