



**W.P(MD)No.4965 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.4965 of 2024**

A.Geetha

... Petitioner

Vs.

1.The Principal Secretary,  
Rural Development & Panchayat Raj Department,  
Secretariat,  
Fort St.George, Chennai-9.

2.The Director,  
Rural Development & Panchayat Raj Department,  
Panagal Building,  
Saidapet, Chennai-15.

3.The District Collector,  
Kanyakumari District,  
Nagercoil.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to promote the petitioner to the post of Assistant Executive Engineer (RD) on par with her juniors in the light of the 2017-2018 Promotion Panel prepared by the 2<sup>nd</sup> respondent vide his proceedings, dated 10.04.2018 as well as ACR Marks awarded by the 2<sup>nd</sup> respondent vide his proceedings, dated 11.04.2019 and based on the petitioner's representation, dated 19.01.2023 submitted to the 1<sup>st</sup> and 3<sup>rd</sup> respondents in person.



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For Petitioner : Mr.G.Thalaimuthurasu

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

### **ORDER**

The present writ petition has been filed seeking direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to promote the petitioner to the post of Assistant Executive Engineer (RD) on par with her juniors in the light of the 2017-2018 Promotion Panel prepared by the 2<sup>nd</sup> respondent vide his proceedings, dated 10.04.2018 as well as ACR Marks awarded by the 2<sup>nd</sup> respondent vide his proceedings, dated 11.04.2019 and based on the petitioner's representation, dated 19.01.2023 submitted to the 1<sup>st</sup> and 3<sup>rd</sup> respondents in person.

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

3. The petitioner is qualified in B.E Civil Engineering. She also completed M.E (Structural Engineering) in the year 2001 and Doctor of Philosophy in the faculty of Civil Engineering in the year 2012. She joined as Assistant Engineer in the respondent department on 21.11.2007. She had completed all the departmental tests within the stipulated time and her



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probation was declared in the year 2009. Her name was included in the promotional panel for the year 2017-18 for promotion to the post of Assistant Executive Engineer (RD) prepared by the 2<sup>nd</sup> respondent vide proceedings, dated 10.04.2018. In the said panel, her name was placed at serial no.29 of the Annexure-I. When the petitioner was in the fond hope that she would be promoted to the post of Assistant Executive Engineer (RD) on par with her juniors, her name was not found in the list of promotee, for the post of Assistant Executive Engineer (RD) published by the 2<sup>nd</sup> respondent vide proceedings, dated 26.02.2019. On enquiry, the petitioner found that she was awarded with adverse remarks and low marks in the ACR report during the period 2017-18. As a result of which, her name was not included in the promotion panel for the year 2018-19. Aggrieved by the adverse remarks of the reporting officer/reviewing officer, she preferred an appeal before the 2<sup>nd</sup> respondent by her representation, dated 09.04.2019. The 2<sup>nd</sup> respondent after conducting detailed enquiry, awarded the petitioner with 8 remarks and directed the 3<sup>rd</sup> respondent to record the same in her ACR report vide proceedings, dated 24.04.2019. In view of the same, the petitioner have to be promoted to the post of Assistant Executive Engineer (RD) on par with his batchmates as well as juniors pursuance to the 2017-18 promotional panel.



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4. The petitioner was visited with a charge memo under Rule 17(b) vide proceedings of the 3<sup>rd</sup> respondent, dated 02.08.2019. However, no charges were pending against her at the crucial date i.e., during preparation of the 2017-18 promotional panel as well as publication of the promotion list of Assistant Executive Engineer (RD) vide proceedings of the 2<sup>nd</sup> respondent on 10.04.2018 and 26.02.2019 respectively. The respondents 1 and 2 ought to have promoted the petitioner to the post of Assistant Executive Engineer. However, the same was not done and the respondents failed to rectify her grievances. As a result of which, she submitted an application on 19.01.2023 to the 1<sup>st</sup> and 3<sup>rd</sup> respondents in person requesting them to promote her to the post of Assistant Executive Engineer (RD) on par with his batchmates pursuant to the 2017-2018 promotional panel prepared by the 2<sup>nd</sup> respondent vide proceedings, dated 10.04.2018. Since the same was not considered, this writ petition came to be filed.

5. 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



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amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of the case, this Court hereby direct the respondents 1 and 2 to consider the representation of the petitioner, dated 19.01.2023 and pass orders in accordance with law within a period of ten (10) weeks from the date of receipt of copy of this order.

7. Accordingly, this writ petition stands disposed of. No costs.

**04.03.2024**

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

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To

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Rural Development & Panchayat Raj Department,  
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Panagal Building,  
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