



W.P.(MD) No.13738 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 04.03.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD)No.13738 of 2021**

**&**

**W.M.P(MD)Nos.10667 & 10668 of 2021**

P.Arul Selvanathan

... Petitioner

Vs.

1.The Chairman

V.O.C. Chidambaranar Port Trust,  
Thoothukudi,  
Thoothukudi District -628004

2.The Secretary

V.O.C. Chidambaranar Port Trust,  
General Administration Department,  
Thoothukudi,  
Thoothukudi -628004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notification issued by the second respondent office vide proceedings No.GAD-OGAG-1-EST-EECAB-VI-19-17074/D.965 dated 02.07.2021 and quash the same as illegal and consequently direct the respondents Nos.1 and 2 to appoint me as Executive Engineer (Civil) by considering my candidature under the promotion category within a stipulated period as fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh  
for Mr.Aayiram K.Selvakumar

For Respondents : Mr.Arivuchandran for R2

: No appearance for R1

### **ORDER**

The petitioner herein, who is working as Assistant Executive Engineer on Ad-hoc basis filed this Writ Petition challenging the letter No.GAD-OGAG-1-EST-EECAB-VI-19-17074/D.965, dated 02.07.2021, wherein the time for submission of application in response to the vacancy circular dated 15.04.2021 was extended by the respondent No.1. It is the claim of the petitioner that he is being Assistant Executive Engineer, working in the respondent No.1 Organization is eligible for promotion to the post of Executive Engineer and in terms of the Rules, the post of Executive Engineer, is required to be filled in by promotion from the cadre of Assistant Executive Engineer and in the absence of eligible candidates, by absorption or deputation and only on failure of the above two methods, the post of Executive Engineer can be filled in by direct recruitment.



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2. According to the learned counsel for the petitioner, the respondent has issued impugned notification, without exhausting the first two methods of recruitment as provided under the relevant Rules and therefore, the impugned notification is bad and the same is liable to be quashed.

3. On the other hand, the learned counsel for the second respondent contended that in terms of the Rules, it is only the Assistant Executive Engineer, who has put in 5 years of regular service in the cadre of Assistant Executive Engineer (Civil), only eligible for promotion to the post of Executive Engineer (Civil), but, the service of the petitioner herein was not regularized as on date and still he is continued to be Ad-hoc and on Ad-hoc post and therefore, the petitioner was no locus to challenge the impugned notification, which was issued calling for application for the post of Executive Engineer (Civil). It is also contended that original notification dated 15.04.2021 is not challenged by the petitioner, but the petitioner has challenged only the notification in which the last date for submission of application under notification, dated 15.04.2021 was extended.



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4. This Court has thoroughly considered the submissions made on either side.

5. This Court does not intend to consider the matter in elaborate, in view of the fact that the services of the petitioner herein as Assistant Executive Engineer are not regularised as on date and he is continuing as an Assistant Executive Engineer on Ad-hoc basis only and he is not eligible for promotion to the post of Executive Engineer (Civil), he has no locus to challenge the impugned notification. Further, the petitioner has not challenged the original notification, dated 15.04.2021 and he has chosen to challenge only the corrigendum extending the last date for submission of application. In the light of the above, this Court does not find any merit in this Writ Petition and the same is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
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**MUMMINENI SUDHEER KUMAR, J.**

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