



W.P.(MD).No.13059 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13059 of 2024

V.Andavar

... Petitioner

Vs

The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 9.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to dispose the petitioners appeal dated 30.10.2023 for notional promotion to the post of Executive Officer (Selection Grade) for notional revision of pensionary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr. C.Venkatesh Kumar

For Respondent : Mr.J.Ashok
Additional Government Pleader



W.P.(MD).No.13059 of 2024

WEB COPY

ORDER

Heard Mr. C.Venkatesh Kumar, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, for the respondent.

2.The petitioner has filed this Writ Petition seeking for a direction to the respondent to dispose of the petitioner's appeal, dated 30.10.2023 for declaring notional promotion to the post of Executive Officer (Selection Grade) for notional revision of pensionary benefits.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner is working as an Executive Officer - Grade II in the respondent Department. The petitioner was then promoted as Executive Officer (Selection Grade) on 08.09.2011 on templorary basis. Whereas, his juniors were given with promotion on regular basis. However, the petitioner was not promoted as Executive Officer (Selection Grade) on regular basis. In this regard, the petitioner had given a representation on 21.09.2022 seeking to promote him as Executive Officer (Selection Grade) on regular basis. Since the



W.P.(MD).No.13059 of 2024

same was not considered, he filed a writ petition in WP(MD) No.8918 of 2023 to consider his representation. Subsequent to the order passed by this Court on 17.04.2023, the petitioner was notionally promoted as Executive Officer, Grade I. Aggrieved over the same, the petitioner has preferred an appeal before the respondent on 30.10.2023 to promote him as an Executive Officer (Selection Grade) and the same is pending. Hence, the present writ petition has been filed.

5. Since the petitioner has rightly invoked the appeal remedy by filing an appeal, but the same is pending for a long time without disposal, in the interest of justice there shall be a direction to the respondent to conduct the appeal and pass orders within a period of two weeks from the date of receipt of copy of this order. It is made clear that this Court has not gone into the merits of the appeal filed before the respondent and the same has to be considered on its own merits.

6. With the above direction, this Writ Petition is disposed of. No costs.

20.06.2024



W.P.(MD).No.13059 of 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

The Principal Secretary to Government, State of Tamilnadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 9.



WEB COPY



W.P.(MD).No.13059 of 2024

R.N.MANJULA, J.

PNM

ORDER IN
W.P.(MD).No.13059 of 2024



WEB COPY



W.P.(MD).No.13059 of 2024

20.06.2024