



WP(MD) No.21858 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.21858 of 2022

S.Kannan

... Petitioner

Vs.

1.The Principal Secretary to Government and Chairman,
Governing Council,
Irrigation Management Training Institute,
Water Resource Department,
Secretariat,
Chennai – 600 009.

2.The Engineer in Chief (General),
Water Resource Department,
PWD Campus,
Chepauk,
Chennai – 600 005.



WP(MD) No.21858 of 2022

3.The Director General

Irrigation Management Training Institute,
Thuvakudi,
Tiruchirapalli,
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to take immediate appropriate steps to grant promotion to the petitioner to the post of Superintendent / Campus Superintendent with notional effect with all service, monetary and all attendant benefits.

For Petitioner : Mr.P.Netaji

For Respondents: Mr.J.Ashok

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents to take immediate



WP(MD) No.21858 of 2022

appropriate steps to grant promotion to the petitioner to the post of Superintendent / Campus Superintendent with notional effect with all service, monetary and all attendant benefits.

2. Heard Mr.P.Netaji, learned counsel for the petitioner, and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

3. The petitioner submits that though he is eligible for the next level promotion, he has not been considered so far and hence, the present Writ Petition has been filed.

4. However, the learned Additional Government Pleader submits that the third respondent is the Appointing Authority of the petitioner would come under the Public Works Department and in the said Department, there are two clauses of employees one is deputation category and another one is regular category i.e., Irrigation Management Training Institution (IMTI).



WP(MD) No.21858 of 2022

WEB COPY

5. The learned Additional Government Pleader further submitted that since the petitioner comes under regular staff category and the promotion post falls under the deputation category, the petitioner cannot be given with the promotion as claimed by him. However, the petitioner's representation has not been considered so far and no order has been passed on merits.

6. Since the petitioner has given his representation knowing the existence of two categories of employees, the respondents shall consider the same and pass orders on its own merits.

7. However, the petitioner claims that before implementing the rules as to categorizing the employees into deputation and regular itself, the petitioner has become eligible to be promoted to the post of Superintendent.



WP(MD) No.21858 of 2022

WEB COPY

8. In view of the above reason, this writ petition is **disposed of** with a direction to the respondents to consider the petitioner's representation, dated 11.07.2022 and pass appropriate orders on its own merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

26.04.2024

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

RM



WP(MD) No.21858 of 2022

WEB COPY

To

- 1.The Principal Secretary to Government and Chairman,
Governing Council,
Irrigation Management Training Institute,
Water Resource Department,
Secretariat,
Chennai – 600 009.
- 2.The Engineer in Chief (General),
Water Resource Department,
PWD Campus,
Chepauk,
Chennai – 600 005.
- 3.The Director General
Irrigation Management Training Institute,
Thuvakudi,
Tiruchirapalli,
Tiruchirapalli District.



WEB COPY



WP(MD) No.21858 of 2022

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.21858 of 2022

26.04.2024