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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN**

**W.P.No. 4929 of 2024**

**And**

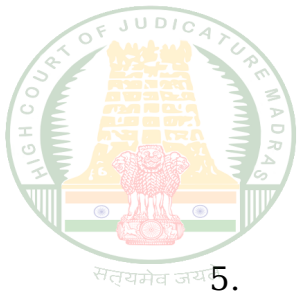
**W.M.P.No. 29068 of 2024**

Asirvatham

... Petitioner

**..Vs..**

1. The Director General  
Highways Department  
Guindy,  
Chennai – 600 025.
2. The Chief Engineer  
Highways (Construction and Maintenance)  
Guindy,  
Chennai – 600 025.
3. The Superintending Engineer  
Highways (Construction & Maintenance)  
College Road  
Tirupur District.
4. The Divisional Engineer  
Highways (Construction & Maintenance)  
College Road  
Tirupur District.



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5. The Divisional Engineer  
Highways (Construction and Maintenance)  
Moolapalayam,  
Erode District – 638 002.
6. The Assistant Divisional Engineer  
Highways (Construction and Maintenance)  
Kangeyam, Tirupur District. ... Respondents

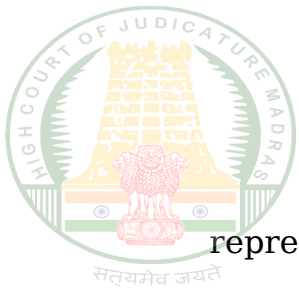
**PRAYER:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent impugned memo vide No.461/2022/B1 dated 26.05.2022 quash the same and consequently direct the fourth respondent to promote the petitioner as Skilled Assistant Grade-II at once based on petitioner's representation dated 17.05.2022.

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For Petitioner :: Mr. M.Saravanakumar  
For Respondents :: Mr. V.Nanmaran  
Additional Government Pleader

**ORDER**

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order of the fourth respondent, Divisional Engineer, Highways (Construction & Maintenance), College Road, Tirupur District, dated 26.05.2022 and quash the same and direct the fourth respondent to promote the petitioner as Skilled Assistant Grade-II. The petitioner had given a



representation on 17.05.2022.

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2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner has been working as Gangmazdoor at the sixth respondent Divisional Office on and from 06.11.1997. At the time of appointment, he did not possess the educational qualification of passing 10<sup>th</sup> standard but subsequently he had completed his 10<sup>th</sup> standard in the year 2008. This has also been recorded in his service register.

3. In the year 2008, the Government had passed G.o.Ms.No. 193, dated 01.08.2008 stating that Gangmazdoors across the State of Tamilnadu would be entitled for promotion as Road Inspectors which is now termed as Skilled Assistant Grade-II. The qualification was that the Gangmazdoors should have completed 10<sup>th</sup> standard, then they would be eligible for promotion as Skilled Assistant Grade-II.

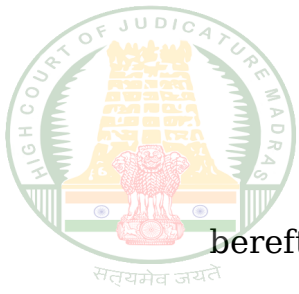
4. In the counter affidavit, the respondents have stated that the date of regularisation of the petitioner was 06.11.1998, whereas two other persons placed in Serial Nos. 1 and 2 was on 02.11.1998 but they had completed their 10<sup>th</sup> standard after the petitioner had completed his 10<sup>th</sup> standard. It had been stated that the promotion



list had also been drawn.

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5. The petitioner questioned the impugned order wherein no reasons have been given for rejecting the claim of the petitioner to be considered for promotion. The only reason stated is that the petitioner had not produced relevant documents and that his representation was not sufficient. The respondent probably had taken umbrage at the petitioner herein since he had filed an earlier Writ Petition in W.P.No. 4865 of 2022 questioning the promotion panel list which was prepared as on 01.01.2021 and by an order dated 07.03.2022, the learned Single Judge of this Court had directed that the representation given by the petitioner should be examined and the respondent should pass orders with respect to each one of the contentions and communicate the decision taken to the concerned parties. It was also directed the eligible amount of arrears of salary should be paid within a period of one month from the date of passing of order. This impugned order had been passed after the directions issued by the learned Single Judge. The impugned order is dated 26.05.2022. There is no indication in the impugned order that they had complied with the directions of the learned Single Judge, namely, to address every point raised in the representation and pass a detailed order and also to pass orders with reasons. The impugned order is



bereft of any reason. It is set aside.

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6. It is obvious that the petitioner is entitled for promotion but for reasons best known to the respondents, the same has been withheld. The direction is given to the respondents to promote the petitioner to the post of Skilled Assistant Grade-II in accordance with the seniority and orders in that regard should be passed on or before 07.03.2025.

7. It is to be noted that the petitioner is due to retire on attaining the age of superannuation on 30.04.2025. Therefore, the respondents may pass appropriate orders on or before 07.03.2025. The Writ Petition stands allowed. No order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.02.2025

vsg  
Index: Yes/No  
Internet: Yes/No  
Speaking / Non Speaking Order

To

1. The Director General  
Highways Department  
Guindy,  
Chennai – 600 025.



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**C.V.KARTHIKEYAN, J.,**  
*vsg*

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