



W.P. No. 14633 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 14633 of 2018

C.V.Rajan

... Petitioner

-VS-

1. The Chairman/ Managing Director
TWAD Board, Head Office
Chepauk, Chennai-600005.

2. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George, Chennai-600009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for promotion as Executive Engineer by including his name in the panel of the year 2002 without reference to the punishment of stoppage of increment for a period of 6 months imposed on him in B.P.Ms.No.123 (Estt.(DP) Wing) dated 11.07.2004 and promote him notionally as Executive Engineer and grant him all consequential service and monetary benefit.

For Petitioner : Mr.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.V.S.Giridhar, Senior Advocate
For M/s.S.Shahila Bhanu, SC for TWAD (R1)
Mr.S.Rajesh, GA (R2)

O R D E R



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The petitioner had filed this writ petition seeking writ of mandamus for directing the respondents to consider his claim for promotion as Executive Engineer by including his name in the panel of the year 2002 without reference to the punishment of stoppage of increment for a period of six months imposed on him in B.P. Ms.No.123(Estt.(DP) Wing) dated 11.07.2004 and grant him all consequential service and monetary benefits.

2. The petitioner who had retired from service as Executive Engineer on 30.04.2010 on his attaining the age of superannuation has filed this writ petition by claiming that his promotion to the post of Executive Engineer is due even in the year 2004 and he ought to have been included in the promotion panel of the year 2002.

3. The learned counsel for the petitioner submitted that the petitioner was imposed with the punishment of stoppage of increment for a period of six months without cumulative effect through the proceedings of the first respondent dated 11.07.2004. As per the guidelines for preparation of the panel for promotion that is being followed in the year 2000 (prior to the enactment of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016), if a

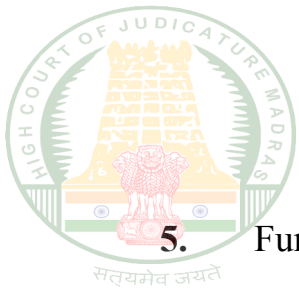


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person is imposed with any punishment within a check period for any irregularities or delinquencies occurred five years prior to the crucial date, such punishment need not be held against the individual. As per the submissions of the petitioner, he became eligible to be promoted to the post of Executive Engineer as early as 01.03.2002. The alleged delinquency for which he was imposed with stoppage of six months increment is alleged to have been taken place in the year 1990. As there is no punishment or delinquency pending prior to five years check period on and from 01.03.2002, the petitioner has given representation to the first respondent to give notional promotion by including him in the promotion panel of the year 2002.

4. The learned counsel for the respondents submitted that the petitioner who had retired from service as early as on 30.04.2010 had chosen to file the writ petition as an after thought and after several years. No acceptable explanation has been given for the delay on the part of the petitioner to raise the above point and the respondent department cannot catch hold of the past service record of the petitioner and by this time, those records would have got destroyed. Since the petitioner has made his representation very belatedly, it is not possible for the respondents to consider his representation.



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5. Further submission of the learned counsel for the respondents is that the guidelines which are later incorporated under Act 14 of 2016 is not applicable to the respondent Board and the Board has got its own regulations and further, the post of Executive Engineer is a selection post and it is not an automatic promotion by virtue of seniority alone.

6. Whatever may be the merits or demerits of the petitioner's claim, the fact remains that the respondent has not given any disposal of the representation of the petitioner which is of the year 2018. So, it is up to the respondents to take a call to consider the merits of the representation of the petitioner and pass an order.

7. In view of the same, the writ petition is disposed. The first respondent is directed to consider the representation of the petitioner dated 21.02.2018 and pass orders on merits within a period of six months from the date of receipt of a copy of this order. No costs.

10.02.2025

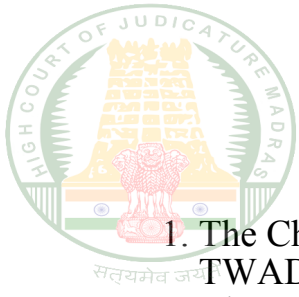
Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To



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1. The Chairman/ Managing Director
TWAD Board, Head Office
Chepauk, Chennai – 600 005.

2. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George, Chennai – 600 009.



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R.N.MANJULA, J.

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