



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.21985 of 2019

G.Balasubramanian,
S/o S.Ganesan,
Assistant Executive Engineer (R& D),
Rasipuram Sub Division,
Rasipuram.

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Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. Additional Principal Secretary to the Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai 600 009.

2.The Director of Rural Development &
Panchayat Raj Department,
Panagal Buildings, Saidapet,
Chennai 15.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the appropriate place for in the panel of Executive Engineer for the year 2013-2014 and to promote him as Executive Engineer from the date of his immediate junior therein and on such promotion to include his name in the panel



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for promotion to the post of Superintendent Engineer in the appropriate place in the panel for the year and to promote him in the said post with effect from the date of such promotion of his immediate junior and grant him all consequential service and monetary benefits within a limited time frame.

For Petitioner : M.Ravi

For Respondents : Mr.T.Cheizhian,
Additional Government Pleader

ORDER

The writ petition has been filed to issue a writ of mandamus to direct the respondents to include the petitioner's name in the appropriate place in the panel of the Executive Engineer for the year 2013-2014 and promote the petitioner as Assistant Engineer from the date of his immediate junior and for the subsequent promotion to the post of Superintendent Engineer by keeping the petitioner in the appropriate place in the panel in the relevant year and promote him to the said post and grant him all consequential service and monetary benefits.

2.Heard, M.Ravi, learned counsel for the petitioner, Mr.T.Cheizhian, learned Additional Government Pleader for the respondents and perused the materials available on record.



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3. The petitioner has been empanelled in the year 2011-2012 panel for promotion to the post of Executive engineer. But however, no order of promotion has been issued to him despite his juniors have been promoted. The petitioner has sent his representation on 16.4.2014 but the same has not been considered. In view of the orders of the Hon'ble Supreme Court dated 01.10.2021 made in Contempt petition No.638 of 2016, the petitioners seniority has been revised on merit and he has been placed in the position 76 from the earlier position 20 and an order has been passed in this regard on 20.10.2021.

4. It is further submitted that the petitioner has given representation subsequent to the writ petition stating that at least he should be given a promotion on the basis of the revised seniority. It is further submitted that the petitioner has given representation subsequent to the writ petition stating that at least he should be given with the promotion on the basis of the revised seniority.

5. Mr.T.Chezhan, learned Additional Government Pleader for the respondents, submitted that based on the petitioner's present seniority position at No. 76, a vacancy for promotion would arise only during the year 2024–2025, and



the petitioner will be considered for promotion at that point of time.

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6. It appears that the petitioner was unaware of the reasons behind the revised seniority and his subsequent placement at position 76. Given his earlier position at No. 20, the petitioner may have assumed that his juniors were promoted ahead of him. The revision of his seniority was carried out pursuant to the orders of the Hon'ble Supreme Court. It now seems that the petitioner has understood the impact of the Supreme Court's order on his seniority. Having waited for so long without understanding the reasons for not receiving the promotion order despite he has been included in the panel, now it is submitted that the vacancy for the petitioner would arise only in the year 2024-25. In view of this, I feel it appropriate to issue directions to the respondents to implement the promotion at least in the year 2024–2025, without any further delay.

7. With the above observations, this writ petition is **disposed** of. The respondents are directed to accord promotion accommodate to the petitioner at least in the promotion year 2024–2025, without any further delay, in accordance with the revised seniority list issued on 20.10.2020. It is needless to state that if the aforementioned seniority list is under challenge in any proceedings,



promotions may still be granted to those awaiting promotion for a long time, subject to the outcome of such proceedings, in the absence of any stay order. No costs. Consequently, the connected miscellaneous petitions, if any, are also closed.

27.03.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs

To

1. The Additional Principal Secretary to the Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai 600 009.
2. The Director of Rural Development &
Panchayat Raj Department,
Panagal Buildings, Saidapet,
Chennai 15.



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R.N.MANJULA, J.
jrs

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