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W.P.No.18535 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/4/2025

C O R A M

The Hon'ble **Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.18535 of 2020

a n d

W.M.P.No.22977 of 2020

R.Rudhrakoteeswaran

...

Petitioner

Vs

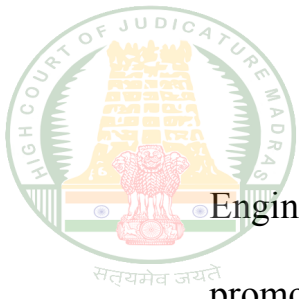
1. The Secretary to Government
Municipal Administration &
Water Supply Department
Fort St. George
Chennai 9.

2. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai 3.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents to
consider the claim of the petitioner for promotion as Assistant Executive



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Engineer by including his name in the panel for the year 2017 – 18 and promote him as Assistant Executive Engineer and grant him all consequential service and monetary benefits.

For petitioner	...	Mr.K.Venkataramani Senior Counsel for Mr.M.Muthappan
For respondents	...	Mr.S.Rajesh Government Advocate for R.1. Mr.GT.Subramanian Standing Counsel for R.2

ORDER

This writ petition has been filed to consider the claim of the petitioner for promotion as Assistant Executive Engineer by including his name in the panel for the year 2017 – 18 and promote him as Assistant Executive Engineer and grant him all consequential service and monetary benefits.

2. Brief facts which led to the filing of the writ petition are as follows:-

The petitioner is a Diploma Holder in Civil Engineering, entered the



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service as Technical Assistant in the year 1995. The service of the petitioner was made permanent in the year 2009 as Technical Assistant, promoted as Junior Engineer in the year 2012 and Assistant Engineer in the year 2014. The petitioner is due for promotion as Assistant Executive Engineer in the Corporation in the panel for the year 2017 – 18 and due to pending disciplinary proceeding, his claim has been deferred. The crucial date for the preparation of the panel for the post of Assistant Executive Engineer was 1/6/2017. As the petitioner has crossed the age of 45, as per Service Rules, relaxation has to be granted for not completing 3 years of service as Assistant Engineer, since the petitioner has completed only 2 years and 6 months.

3. Necessary proposal has been sent to the first respondent for relaxing the Rules in favour of the petitioner and five other through a Resolution passed by the Chennai Corporation in Resolution No.173/2018 dated 16/2/2018. The relaxation in favour of G.Bhaskar and Tmt.S.Jaqueline who were similarly placed persons like the petitioner were granted relaxation and their names were included in the panel of the Assistant Executive Engineer for the year 2017 – 18 and they were



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promoted.

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4. The details of estimated vacancies as per the Resolution passed by the Special Officer, Chennai Corporation in Resolution No.173/2018 dated 6/2/2018 are as follows:-

Vacant position as on 1/6/2017	...	25
Vacancies arisen out of promotion	...	3
Vacancies arisen out of retirement	...	5
Leave vacancies as per the order of the Government (G.O.(D) No.103 P & AR Dept dated 9/10/2014 – 20%...		6

		39
Notional vacancies allotted for the year 2016 – 17		3

Balance		36

5. Based on the above, the learned counsel appearing for the petitioner would submit that for the purpose of notional promotion for 3 individuals, 3 vacancies have been earmarked in the Resolution passed by the Corporation. Allotting three vacancies for notional promotion in the promotional post is impermissible, as per the letter of P & AR Department in Letter No.18824/S/2005/2 dated 7/10/2005. If at all any notional vacancy has arisen in the panel year and if there are no promotional vacancies



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available, then the junior most person will be reverted and the senior will be accommodated. Hence as per the Resolution passed by the Corporation in 173/2018, dated 16/2/2018, a panel should have been prepared for 39 vacancies instead of 36 vacancies. Out of 39 vacancies, only for 33 persons panel has been prepared and promoted. Out of six persons, who have to be granted relaxation, 2 of them were granted relaxation and four of them, including the petitioner has been denied. In the above backdrop, the petitioner has made a representation to the authorities on 5/6/2018, 13/6/2018, 21/6/2018, 31/7/2018 and 21/1/2019, for which there was no response.

6. For the year 2019 – 20, steps have been taken to prepare the panel for the post of Assistant Executive Engineer for which Notification has been called for on 28/7/2020. By that time, the petitioner has been issued with a charge memo under Rule 9 (2) of Greater Chennai Corporation Group III & IV Servants (Discipline & Appeal) Rules and claim of the petitioner has been deferred and he could not be considered for promotion. As a reply to the Notification dated 28/7/2020, the petitioner had made a representation on 5/10/2020. Since the same has not been considered, the petitioner has



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come forward with the instant writ petition praying for the relief as stated therein.

7. The Assistant Commissioner (GA & P), Greater Chennai Corporation, has filed a counter affidavit, on behalf of the second respondent, wherein it is stated that since the petitioner was junior in the seniority list, his name was not in the zone of consideration. Promotions have been considered only in accordance with the seniority.

8. He would further submit that the petitioner had been given with the charges of causing revenue loss to the Corporation and in the disciplinary proceedings, he had been imposed with the punishment of stoppage of increment with cumulative effect for 2 years, vide Proceeding dated 10/11/2020. Hence, the petitioner becomes ineligible for consideration of promotion, as per the Rules of Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

9. Heard Mr.K.Venkataramani, learned Senior counsel for the



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petitioner, Mr.S.Rajesh, learned Government Advocate for the first respondent and Mr.GT.Subramanian, learned Standing Counsel for the second respondent.

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10. The learned counsel appearing for the petitioner would submit that the crucial date for the preparation of the panel for the post of Assistant Executive Engineer is 1/6/2017 for the year 2017 – 18. There was a long and deliberate delay in preparing the panel and the proposal for relaxation was sent to the Government and the panel was published on 31/5/2018 which clearly shows that the respondents are not willing to follow the instructions in respect of promotion.

11. The learned counsel would further submit that when there is an estimated vacancies for 39 persons including the relaxation of qualifying service for those individuals, but getting relaxation only for two individuals, thereby, the vacancies have been reduced to 35 which resulted in denial of promotion to the petitioner. Hence, requests this Court to consider the claim of the petitioner positively.



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12. Learned counsel appearing for the petitioner produced a copy of the Proceeding dated 13/2/2024 issued by the second respondent, wherein it is stated that after the personal hearing was conducted by the Additional Chief Secretary/Commissioner on 23/1/2024 and after considering the written statement submitted during the enquiry, it was found that there was no financial loss made out and hence, the punishment already imposed was modified and censure punishment was imposed.

13. The learned counsel appearing for the second respondent would submit that the petitioner had been given with the charges of causing revenue loss to the Corporation and as per the disciplinary proceedings, he had been imposed with the punishment of stoppage of increment with cumulative effect for two years vide Proceeding G.D.C.No.E13/16786/2019 dated 10/11/2020. Hence, the case of the petitioner cannot be considered for promotion, as per the Rules of Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

14. He would further submit that the panel for promotion to the post



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of Assistant Executive Engineer was drawn pertaining to the year 2017 – 18

with the crucial date as on 1/6/2017. On the day of crucial date, there were

25 vacancies in the post of Assistant Executive Engineer. The details of

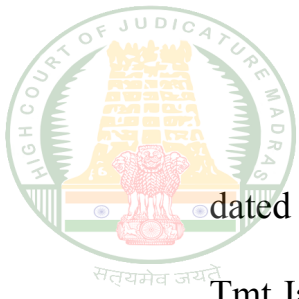
estimated vacancies quoted for the year 2017 – 18 are as follows:-

As on crucial date vacancies	...	25
Less: Notional promotion (2016 – 17)...		4
Actual vacancies for 2017 – 18	...	21
Retirement vacancies	...	5
Promotion from AEE to EE in the panel year 2017 – 2018	...	3

Total vacancies is		29
Add: Unexpected vacancies vide G.O.No.103 dated 9.10.2014		
20%	...	6

		35

15. A bare perusal of the records, would deduce that in 2017 – 18 panel, vide Proceeding No.G.D.C.No.E1/19852/2017 dated 16/2/2018, 14 Assistant Engineers and 1 Junior Engineer were promoted as Assistant Executive Engineer, as per Chennai Corporation Engineering Service Rules, 1969. In the same panel, service qualification for 9 Assistant Engineers were promoted as Assistant Executive Engineer vide Government Order No.214 Municipal Administration and Water Supply (MC3) Department



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dated 24/5/2018 and 3 re-designated Assistant Engineers, Thiru.G.Baskar, Tmt.Jacklin Joylatha and Thiru.V.Raja were promoted as Assistant Executive Engineer vide Government Order No.232, Municipal Administration and Water Supply (MC3) Department dated 31/5/2018, in which service relaxation was given. On the whole, 26 Assistant Engineers and 1 Junior Engineer were promoted for the year 2017 – 18 panel. Since the petitioner was junior in the seniority list to the above said 3 re-designated Assistant Engineers, his name was not considered for relaxation. In view of the above, this Court is not inclined to grant the relief sought for by the petitioner.

16. In the result, this writ petition is dismissed. The petitioner is at liberty to approach the respondents, if he is so aggrieved. No costs. Consequently, connected Miscellaneous Petition is closed.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

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