



W.P.(MD)No.10301 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD)No.10301 of 2021

and

W.M.P.(MD)No.7982 of 2021

K.Mayakrishnan

... Petitioner

vs.

1.The Chief Engineer,  
National Highways Department,  
(Construction and Maintaining),  
No.76, Sarthar Patel Road,  
Little Mount, Guindy, Chennai.

2.The Superintending Engineer,  
National Highways Department,  
(Construction and Maintaining),  
Chockkikulam, Madurai.

3.The Divisional Superintending Engineer,  
National Highways Department,  
Dindigul District, Dindigul.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Se.Mu.Ka.no. 1-3/2000/Aa2, dated 02.11.2020 and to quash the same and consequently, to direct the third respondent to promote the petitioner as Office Assistant.

For Petitioner :Mr.G.Ezhilarasu  
For Respondents :Mr.P.Thambidurai  
Government Advocate

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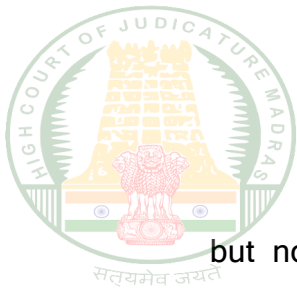
## ORDER

This Writ Petition has been filed with the following prayer:-

*“Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Se.Mu.Ka.no.1-3/2000/Aa2, dated 02.11.2020 and to quash the same and consequently, to direct the third respondent to promote the petitioner as Office Assistant.”*

2.The facts of the case in a nutshell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

The petitioner was initially appointed as Road Worker in the third respondent Office. Even though the petitioner's name was placed in Sl.No.9 in the seniority list issued by the third respondent, dated 19.08.2002, his name was placed in Sl.No.17 in the subsequent seniority list published by the third respondent, dated 01.01.2018 and the petitioner was transferred to Kodaikanal and posted as Hostel Warden on contract basis by the third respondent. Vide impugned order of the third respondent, dated 02.11.2020, one John Baskar, who is the junior to the petitioner, was promoted to the post of Office Assistant. In this regard, the petitioner made a representation before the respondents, copy of which is enclosed in page No.6 of the paper book,



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but no heed was paid by the respondents nor the representation of the petitioner was considered. Thus, being no other alternative, the petitioner has filed the present Writ Petition seeking the relief as stated supra.

3.Heard Mr.G.Ezhilarasu, learned Counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

4.The learned Counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the claim and grievances of the petitioner has not been considered by the respondents, in spite of his representation and so far, no decision has been taken on the claim of the petitioner.

5.Mr.P.Thambidurai, learned Government Advocate for the respondents submits that counter affidavit has been filed and in paragraph No.8 of the counter affidavit, it has been specifically stated that the petitioner was transferred to Kodaikanal as Watchman and took charge on 05.11.2015. It was also stated that in Paragraph No.8 that the post of Gang Mazdoor or Watchman or Office Assistant are not the promotional cadres and all the three posts are one among the same with equal pay. The learned Government Advocate submits that the petitioner moved an application before the third respondent on 02.02.2022 to transfer him back to Dindigul on some medical



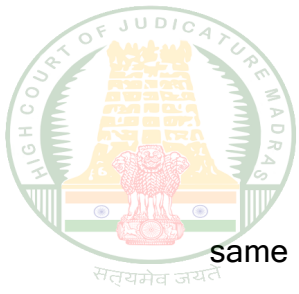
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ground. The application of the petitioner, dated 02.02.2022 was considered by the third respondent and vide order, dated 21.04.2022, the petitioner was again transferred from Kodaikanal to Dindigul and he took charge. Thus, the learned Government Advocate submits that no cause of action is survived in the present Writ Petition, as the petitioner was again transferred to Dindigul. Thus, the learned Government Advocate submits that the present Writ Petition may be disposed of in view of the above submissions.

6.Mr.G.Ezhilarasu, learned Counsel for the petitioner submits that the petitioner also is due for promotion, but the petitioner was denied for promotion and his seniority was also affected, as his junior was promoted. In this regard, the petitioner may be given liberty to move a representation before the third respondent, who may pass a reasoned and speaking order.

7.Mr.P.Thambidurai, learned Government Advocate has objection to the prayer made by the learned Counsel for the petitioner.

8.Accordingly, the petitioner is directed to file a fresh representation along with a copy of this order before the third respondent bringing his claim and grievances within a period of two weeks from today. If any such representation is filed by the petitioner before the third respondent within the time stipulated by this Court, the third respondent is directed to consider the



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same and pass a reasoned and speaking order and in accordance with law, within a period of six weeks from the date of receipt of such representation and shall communicate the decision of the third respondent to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks thereafter.

9. With the aforesaid directions, the Writ Petition is finally disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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

24.07.2025

cmr

To

1. The Chief Engineer,  
National Highways Department,  
(Construction and Maintaining),  
No.76, Sarthar Patel Road,  
Little Mount, Guindy, Chennai.

2. The Superintending Engineer,  
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3. The Divisional Superintending Engineer,  
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Dindigul District, Dindiugl.

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**SHAMIM AHMED, J.**

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