

(2009) 08 MAD CK 0234

In the Madras High Court

Case No : Writ Petition No. 1140 of 2009 and M.P. No. 1 of 2009

C. Selvaraj

APPELLANT

Vs

The Engineer-in-Chief WRO and Chief Engineer (General),
Public Work Department, The Chief Engineer, WRO and The
Government of Tamil Nadu

RESPONDENT

Date of Decision : 21-08-2009

Acts Referred:

Citation : (2009) 08 MAD CK 0234

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : M. Ravi, for the Appellant; V. Arun, Addl. Govt. Pleader, for the Respondent

Judgement

P. Jyothimani, J.—The writ petition is filed for direction against the respondents to redesignate the petitioner as Assistant Engineer with effect from April, 1998 and on that basis to include the petitioner in the appropriate place in the ensuing panel of qualified Assistant Engineers fit for promotion as Assistant Executive Engineers for the year 2006-2007 and to promote him as such with all consequential benefits.

2. It is the admitted case that the petitioner was qualified with B.E. Degree in April, 1998 and by virtue of the orders of the respondents he was deemed to have been posted as Junior Engineer from 10.7.1997 and subsequent to the acquisition of B.E. Degree, he became entitled for being posted as Assistant Engineer with effect from the date when he was qualified himself with B.E. Degree viz., 10.7.1998 and also for further promotion. In the meantime, the Government by letter dated 21.02.2008, given retrospective effect to the B.E., degree holders who have possessed such qualification as on 10.07.1997. Against the same, W.P. No. 26617 of 2006 was filed, wherein this Court by order dated 8.9.2008, while allowing the writ petition, set aside the impugned order of the first respondent dated 10.7.1997 and directed the petitioner therein to be

included in the panel in the appropriate place above his juniors. It is thereafter, the petitioner has made a representation dated 17.9.2008 to the respondents contending all the points which are now raised in this writ petition.

3. As rightly submitted by the learned Counsel for the respondents, since the representation of the petitioner dated 17.09.2008 itself contains all the points which are raised in this writ petition, it is appropriate to direct the respondents to consider the said representation of the petitioner in the light of the Government letter referred to above as well as the order passed by this Court in W.P. No. 2617 of 2006.

4. In these circumstances, the writ petition is disposed of with the direction to the third respondent to consider the representation of the petitioner dated 17.9.2008 in the light of the order of this Court made in W.P. No. 26617 of 2006 dated 8.9.2008 and the Government letter dated 21.2.2008 passed in respect of similarly situated persons, viz., R. Manoharan and J. Hariharan, and pass appropriate orders. No costs. It is made clear that the petitioner shall enclose a copy of his representation dated 17.9.2008 along with the copy of this order to the third respondent within a period of one week from the date of receipt of copy of this order and the third respondent shall pass appropriate orders within a period of eight weeks thereafter.

In view of disposal of the main writ petition, connected miscellaneous petition is closed.