
(2014) 07 MAD CK 0211

In the Madras High Court

Case No : Writ Petition No. 33317 of 2013, M.P. Nos. 1 of 2013 and 1 of 2014

G. Manikandan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 03-07-2014

Acts Referred:

Citation : (2014) 07 MAD CK 0211

Hon'ble Judges : M.M. Sundresh, J

Bench : Single Bench

Judgement

M.M. Sundresh, J.—By consent of the learned counsel appearing on either side, the writ petition itself is taken up for disposal.

2. The petitioner, seeking promotion as Junior Engineer, has come forward to file this writ petition seeking a Writ of Mandamus to forbear the 3rd respondent from appointing respondents 4 to 6 in the post of Assistant Engineers by direct recruitment by overlooking petitioner's seniority in the post of Skilled Assistant Grade II in pursuance to the approval granted to the Agenda in Na.Ka.No.10850/2013/MC 8 dated 12.11.2013 until the consideration of the petitioner's name for promotion to the post of Junior Engineer by considering his representation dated 25.11.2013..

3. It is seen from the dates and events furnished by the learned counsel for the petitioner that earlier the petitioner has filed a writ petition in W.P.No.7987 of 2007, which was allowed by this Court holding that the petitioner is entitled for regularisation in terms of G.O.Ms.No.70 dated 5.5.1998 and a consequential direction was also issued to bring him under the revised scale of pay. Further, a writ petition appears to have been filed by the contesting respondents in W.P.No.19806 of 2008, by which the prayer sought for has been rejected on the grounds stated therein. Thereafter, a resolution was passed by the 3rd respondent Corporation on 14.11.2013 recommending the case of the contesting respondents to the post of Assistant Engineer and the same has been forwarded to the 1st respondent through the 2nd respondent for approval and concurrence.

At that stage, the petitioner has come forward to file this writ petition.

4. Learned counsel appearing for the petitioner submitted that the resolution passed by the 3rd respondent Corporation is contrary to the decision rendered by this Court. Respondent No.3 has wrongly fixed the ratio between Junior Engineers and Assistant Engineers. Therefore, the prayer sought for by the petitioner will have to be granted.

5. Per contra, learned counsel appearing for contesting respondents submitted that the prayer as sought for in the writ petition is premature. What has been done by the 3rd respondent is only resolution and it is for the 1st respondent to decide by taking into consideration the relevant materials. The decision rendered in W.P.No.19806 of 2008 cannot be construed to state that the power of the 3rd respondent to decide the issue is taken away. Therefore, it is submitted that no interference is required.

6. It is seen that the resolution dated 14.11.2013 passed by the 3rd respondent has not been put into challenge. In any case, in pursuant to the resolution, the 3rd respondent Corporation has forwarded the same to the 1st respondent through the 2nd respondent. In other words, the rights of the parties would not get crystallized unless and until a decision is made by the 1st respondent. In such view of the matter, the 1st respondent is directed to pass appropriate orders on the resolution passed by the 3rd respondent dated 14.11.2013 within a period of twelve weeks from the date of receipt of copy of this order. The petitioner is also permitted to make a representation to the 1st respondent within a period of two weeks from the date of receipt of copy of this order. While considering the resolution dated 14.11.2013, the 1st respondent will have to consider the representation of the petitioner, which is also directed to be made by this Court. It is made clear that till a final decision is taken by the 1st respondent, status quo as on today shall be maintained between the parties.

7. With the above observation, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed.