

Asirvatham vs the Director General

Asirvatham vs the Director General

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Court : Chennai

Decided On : Feb-20-2025

Judge : Honourable Mr Justice C.V. Karthikeyan

Appeal No. : WP/4929/2024

Appellant : Asirvatham

Respondent : The Director General

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN W.P.No. 4929 of 2024 And W.M.P.No. 29068 of 2024 Asirvatham ... Petitioner ..Vs..

1. The Director General Highways Department
2. The Chief Engineer
3. The Superintending Engineer

4. The Divisional Engineer

5. The Divisional Engineer Moolapalayam, Erode District - 638 002.

6. The Assistant Divisional Engineer

Kangeyam, Tirupur District. ... Respondents PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the fourth respondent impugned memo vide No.461/2022/B1 dated 26.05.2022 quash the same and consequently direct the fourth respondent to promote the petitioner as Skilled Assistant Grade-II at once based on petitioner's representation dated 17.05.2022. For Petitioner :: Mr. M.Saravanakumar For Respondents :: Mr. V.Nanmaran Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order of the fourth respondent, Divisional Engineer, Highways (Construction & Maintenance), College Road, Tirupur District, dated 26.05.2022 and quash the same and direct the fourth respondent to promote the petitioner as Skilled Assistant Grade-II. The petitioner had given a

representation on 17.05.2022.

2. In the affidavit filed in support of the Writ Petition, it had

been stated that the petitioner has been working as Gangmazdoor at the sixth respondent Divisional Office on and from 06.11.1997. At the time of appointment, he did not possess the educational qualification of passing 10th standard but subsequently he had completed his 10th standard in the year 2008. This has also been recorded in his service register.

3. In the year 2008, the Government had passed G.o.Ms.No.

193, dated 01.08.2008 stating that Gangmazdoors across the State of Tamilnadu would be entitled for promotion as Road Inspectors which is now termed as Skilled Assistant Grade-II. The qualification was that the Gangmazdoors should have completed 10th standard, then they would be eligible for promotion as Skilled Assistant Grade-II.

4. In the counter affidavit, the respondents have stated that the

date of regularisation of the petitioner was 06.11.1998, whereas two other persons placed in Serial Nos. 1 and 2 was on 02.11.1998 but they had completed their 10th standard after the petitioner had completed his 10th standard. It had been stated that the promotion list had also been drawn.

5. The petitioner questioned the impugned order wherein no

reasons have been given for rejecting the claim of the petitioner to be considered for promotion. The only reason stated is that the petitioner had not produced relevant documents and that his representation was not sufficient. The respondent probably had taken umbrage at the petitioner herein since he had filed an earlier Writ Petition in W.P.No. 4865 of 2022 questioning the promotion panel list which was prepared as on 01.01.2021 and by an order dated 07.03.2022, the learned Single Judge of this Court had directed that the representation given by the petitioner should be examined and the respondent should pass orders with respect to each one of the contentions and communicate the decision taken to the concerned parties. It was also directed the eligible amount of arrears of salary should be paid within a period of one month from the date of passing of order. This impugned order had been passed after the directions issued by the learned Single Judge. The impugned order is dated 26.05.2022. There is no indication in the impugned order that they had complied with the directions of the learned Single Judge, namely, to address every point raised in the representation and pass a detailed

order and also to pass orders with reasons. The impugned order is

bereft of any reason. It is set aside.

6. It is obvious that the petitioner is entitled for promotion but

for reasons best known to the respondents, the same has been withheld. The direction is given to the respondents to promote the petitioner to the post of Skilled Assistant Grade-II in accordance with the seniority and orders in that regard should be passed on or before 07.03.2025.

7. It is to be noted that the petitioner is due to retire on

attaining the age of superannuation on 30.04.2025. Therefore, the respondents may pass appropriate orders on or before 07.03.2025. The Writ Petition stands allowed. No order as to costs. Consequently, connected Miscellaneous Petition stands closed. 20.02.2025 vsg Index: Yes/No Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Director General Highways Department C.V.KARTHIKEYAN, J., vsg

2. The Chief Engineer

3. The Superintending Engineer

4. The Divisional Engineer

5. The Divisional Engineer Moolapalayam, Erode District - 638 002.

6. The Assistant Divisional Engineer Kangeyam, Tirupur District. W.P.No. 4929 of 2024 And W.M.P.No. 29068 of 2024 20.02.2025

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