

P.Pethuraj Vs. the Superintending Engineer

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Court : Chennai

Decided On : Mar-09-2012

Judge : R.Sudhakar, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.No.41403 of 2002

Appellant : P.Pethuraj.

Respondent : The Superintending Engineer.

Advocate for Pet/Ap. : Mr.S.James, Adv.

Judgement :

Writ Petition filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of certiorarified mandamus to call for the records of the first respondent in Ka.No.30858/NP.2/VU 1/ Ko.Va.Vu/02 dated 30.10.2002 and quash the same and further direct the first and second respondent to promote the petitioner as Commercial Inspector/Line Inspector from the date on which his junior was promoted and include the petitioner's name above fourth and fifth respondent in the seniority list for further promotions and also pay all arrears of salary and financial benefit.

ORDER

1. The above writ petition is filed for issuance of a writ of certiorarified mandamus to call for the records of the first respondent in Ka.No.30858/NP.2/VU 1/ Ko.Va.Vu/02 dated 30.10.2002 and quash the same and further direct the first and second respondent to promote the petitioner as Commercial Inspector/Line Inspector from the date on which his junior was promoted and include the petitioner's name above fourth and fifth respondent in the seniority list for further promotions and also pay all arrears of salary and financial benefit.

2. The petitioner's representation claiming seniority over and above the respondents 4 and 5 was rejected by the impugned order dated 30.10.2002. Challenging the same, the writ petition has been filed for the above stated relief.

3. No counter has been filed. Learned counsel appearing for the petitioner fairly stated that the seniority list has been subsequently modified in the proceedings of the first respondent in Memo No.SE/VREDC/VDR/Adm.II/A.1/F Seniority/04 dated 11.2.2004. In the light of the modified seniority list, the petitioner claims the relief as stated in the writ petition.

4. Heard the learned counsel for the respondents, who state that since the subsequent proceedings in Memo No.SE/VREDC/VDR/Adm. II/A.1/F Seniority/04 dated 11.2.2002 has been passed after filing of the writ petition and if the petitioner is entitled to any benefit consequent thereupon the Court may direct the authorities to consider the claim of the petitioner in the light of the proceedings dated 11.2.2004.

5. Without going into the merits of the petitioner's claim in this writ petition, the first respondent is directed to consider the claim of the petitioner for all benefits consequent to the proceedings in Memo No.SE/VREDC/VDR/Adm. II/A.1/F Seniority/04 dated 11.2.2004 as may be applicable in respect of his claim for promotion and other service benefits. It is made clear that the Court has not expressed any opinion on the merits of the petitioner's claim and the authority shall deal with the matter purely on its own merits by following due process of law and in the said course, if any other person is liable to be affected the said person shall also be given an opportunity to make a representation so as to avoid the allegation of violation of principles of natural justice. Such an exercise shall be completed as

expeditiously as possible. The writ petition stands disposed of accordingly. No costs.

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