

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 7216 of 2014 (B)

PETITIONER:

**B.SASIDHARAN, AGED 57 YEARS,
S/O.BHARGAVAN, SENIOR ASSISTANT, CARD NO.1062,
IRE LTD, CHAVARA, RESIDING AT POURNAMI,
KULANPART BHAGOM, CHAVARA, KOLLAM.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH
SRI.SREEVIDYA R.S.**

RESPONDENTS:

**1. SENIOR MANAGER (HRM), INDIAN RARE EARTHS LTD.,
CHAVARA, PIN-691583.**

**2. HEAD OFFICER,
INDIAN RARE EARTHS LTD, CHAVARA,
PIN-691583.**

R BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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ANIL K. NARENDRA, J.

W.P.(C).No. 7216 of 2014

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner, who is working as Senior Assistant in the Indian Rare Earths Limited, Chavara, has filed this writ petition seeking a writ of mandamus commanding the respondents not to conduct the interview pursuant to Exhibit P3 notice dated 04.03.2014 till the creation of 10th Grade and giving promotion to him and similarly situated employees with effect from the date on which they become eligible for the said Grade. He has also sought for a writ of mandamus commanding the respondents to give him promotion in the event of he appearing for the interview and passing the same with effect from the date of promotion of his immediate juniors.

2 Going by the averments in the writ petition, the petitioner entered service as Junior Fitter on 09.06.1984. He

was promoted as Typist on 11.11.1988 and as Clerk Typist on 11.11.1992. Later he was promoted as Assistant Typist on 01.11.1999 and as Senior Assistant on 01.07.2003. According to the petitioner he has completed 6 years as Senior Assistant on 30.6.2009 and as such he became eligible for promotion to the post of Deputy Officer, in terms of Exhibit P1 memorandum of settlement. The grievance of the petitioner is that, inspite of his eligibility for promotion to the post of Deputy Officer with effect from 30.6.2009, the respondents are not considering his case for reasons best known to them. It is in such circumstances, the petitioner has filed this writ petition seeking various reliefs.

Today when the case was taken up for final hearing, the learned counsel for the petitioner would submit that, pursuant to the direction contained in the judgment of this Court in another writ petition, the management is considering the issue regarding creation of 10th Grade and a decision to that is likely to be taken within a short period. Therefore, the learned counsel for the petitioner would submit that, the present writ

petition may be permitted to be withdrawn without prejudice to the right of the petitioner to challenge the decision to be taken by the management, in case it is adverse to him in any manner. In such circumstances, reserving the aforesaid right of the petitioner, this writ petition is dismissed as withdrawn.

**Sd/-
ANIL K.NARENDHAN,
JUDGE**

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//TRUE COPY//

P.A. TO JUDGE