

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19043 of 2015
and M.P.No.1 of 2015

N.Jamuna Rani

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Secretary to Government,
Tourism and Culture Department,
Fort St.George,
Chennai - 600 009

2. The Commissioner,
Art and Culture Department,
Halls Road, Egmore,
Chennai - 600 008

3. Sumithra
4. Sundar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the first and second respondents to consider the case of the petitioner for fixation of seniority in the post of Assistant Director of Art and Culture by reckoning the service rendered by her in the post of Bursar from 7.9.2007 with all consequential benefits.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P. for
RR.1 and 2

ORDER

The petitioner was initially appointed as a Junior Assistant and later promoted as Superintendent in the year 2004.

2. According to the learned counsel appearing for the petitioner, the post of Superintendent is the feeder category to the post of Assistant Director of Art and Culture/ Assistant Director of Regional Culture. During the year 2005, the Government created a post of Bursar in the Government Music College vide G.O.Ms.No.128, Tamil Development and Culture Department dated 30.5.2005. Since the

petitioner was the seniormost Superintendent, she was appointed as Bursar on 7.9.2007. The post of Bursar as well as Assistant Director of Art and Culture/ Assistant Director of Regional Culture carry the same scale of pay.

3. It is averred in the affidavit filed in support of this writ petition that the 2nd respondent viz., the Commissioner of Art and Culture Department, Chennai recommended the petitioner as well as respondents 3 and 4 for the post of Assistant Director of Art and Culture/ Assistant Director of Regional Culture. According to the petitioner, respondents 3 and 4 are still working as Superintendent and they have to be promoted to the post of Assistant Director. The petitioner has to be appointed to the post of Assistant Director on transfer. Learned counsel appearing for the petitioner has asserted based on the averments made in the affidavit that the 2nd respondent has recommended for appointment of both respondents 3 and 4 as well as the petitioner for the post of Assistant Director.

4. In these circumstances, though the prayer in the writ petition is widely worded, learned counsel appearing for the petitioner has submitted that the representation of the petitioner dated 3.9.2012 for appointment by transfer to the post of Assistant Director may be directed to be considered and disposed of by the 1st respondent in the light of the aforesaid facts within a stipulated time.

5. In view of the narrow prayer made by the learned counsel appearing for the petitioner, the 1st respondent is directed to consider the representation dated 3.9.2012 made by the petitioner in the light of the facts as stated above and pass order on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. The writ petition is disposed of accordingly. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

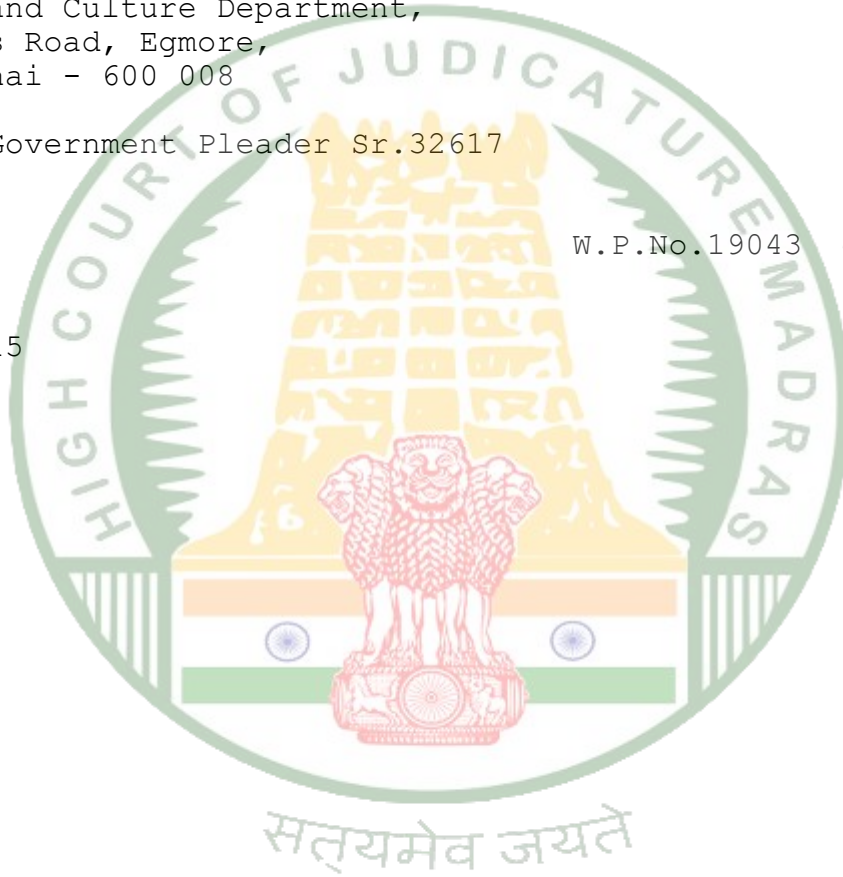
1. The Government of Tamil Nadu,
Secretary to Government,
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Chennai - 600 009

2. The Commissioner,
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1 cc to Government Pleader Sr.32617

W.P.No.19043 of 2015

TEJ(CO)
Eu 02.07.15



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