

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19886 of 2015

G.Nagesh

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai -9.
 2. The Joint Director of School Education (Personnel)
College Road, Chennai.
 3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Govt. Boys Hr.Sec.School Campus,
Gandhi Road, Krishnagiri - 635 001.
- ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the third respondent to regularise the services of the petitioner from 28.01.2004 i.e, from the date of order of the Tamil Nadu Administrative Tribunal passed in O.A.No.38 of 2004 for the purposes of promotion, seniority and all other attendant benefits.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

In view of the narrow prayer made at the time of hearing, the writ petition is taken up for final disposal at the admission state itself.

2. The petitioner joined as Office Assistant in the School Education Department on 27.08.1984. According to the petitioner, he was qualified to be promoted to the post of Drawing Master. Hence, he made representations to the Chief Educational Officer

to consider his request. Since the same was not considered, he filed O.A.No.38 of 2004 before the Tamil Nadu Administrative Tribunal.

3. The Tribunal, by an order dated 28.01.2004 directed the respondents to consider the case of the petitioner for appointment by transfer of service to the post of Drawing Master. The order of Tribunal was passed on merits and it was not a simple direction to consider his claim. However, his claim was rejected by the second respondent. Hence, he filed a writ petition in W.P.No.27046 of 2004 before this Court seeking to quash the proceedings rejecting his request for promotion to the post of Drawing Master and for a direction to appoint him as Drawing Master in the regular scale of pay. The said writ petition was allowed on 23.02.2007. Thereafter, he was given promotion to the post of Drawing Master by the proceedings of the third respondent dated 26.10.2007.

4. The petitioner claims that his service in the post of Drawing Master should be regularised with effect from 28.01.2004 i.e., the date of order of the Tribunal. Hence, he made representation to the Chief Educational Officer, Krishnagiri, the third respondent herein, who in turn, sent a proposal in Na.Ka.No.5995/A5(A9) 2012 dated 02.01.2014 to the second respondent in this regard.

5. In view of the above, the writ petition is disposed of by directing the second respondent to consider the proposal of the third respondent, dated 02.01.2014 in the light of the facts set out above and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

1. The Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai -9.
2. The Joint Director of School Education (Personnel)
College Road, Chennai.

3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Govt. Boys Hr.Sec.School Campus,
Gandhi Road, Krishnagiri - 635 001.

+lcc to M/s.B.Vijayakumar, Advocate sr.no.33786

W.P.No.19886 of 2015

rj[co]
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