

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21285 of 2015

G.Rathakrishnan

... Petitioner

Versus

1.Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 001.

3.The Secretary,
Scott Christian College,
Nagercoil,
Kanyakumari District-629 003.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent to approve and sanction the appointment of petitioner as Office Assistant w.e.f. 02.01.2004 to 14.11.2014 in the 3rd respondent Scott Christian College, Nagercoil in the sanctioned promoted vacancy of Mr.S.David Thevanesan who has been promoted as Record Clerk on 02.01.2004 and consequently direct the respondents 1 and 2 to disburse the grant towards salary and other allowances for the above said period of 02.01.2004 to 14.11.2014.

For Petitioner : Mrs.A.V.Bharathi

For Respondents : Mrs.M.E.Raniselvam,
Government Advocate

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was appointed as Office Assistant on 02.01.2014 in the third respondent college, an aided educational institution. The vacancy to such post has arisen as one S.David Thevanesan was promoted to the post of Record Clerk. However, the first respondent issued the proceedings dated 13.11.2014 approving the appointment of the petitioner as Office Assistant with effect from 15.11.2014. A consequential order dated 27.04.2015 was issued by the second respondent.

3. Heard the learned counsel for the petitioner and Mrs.M.E.Raniselvam, the learned Additional Government Pleader appearing for the respondents.

4. The petitioner made a representation dated 04.05.2015 to approve the appointment of the petitioner as Office Assistant from 02.01.2004, the date of his appointment, since he was appointed in the regular vacancy caused due to the promotion of one S.David Thevanesan.

5. The learned counsel for the petitioner has submitted that the first respondent could be directed to dispose of the representation of the petitioner dated 04.05.2015.

6. I am of the view that if an employee was appointed in the regular vacancy caused due to the promotion of a person, such appointments should be approved from the date of his appointment.

7. In these circumstances, the first respondent is directed to consider and dispose of the representation of the petitioner dated 04.05.2015, seeking approval of his appointment from the initial date of appointment as Office Assistant, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gpa

To

1. Director of Collegiate Education,
College Road,
Chennai-600 006.

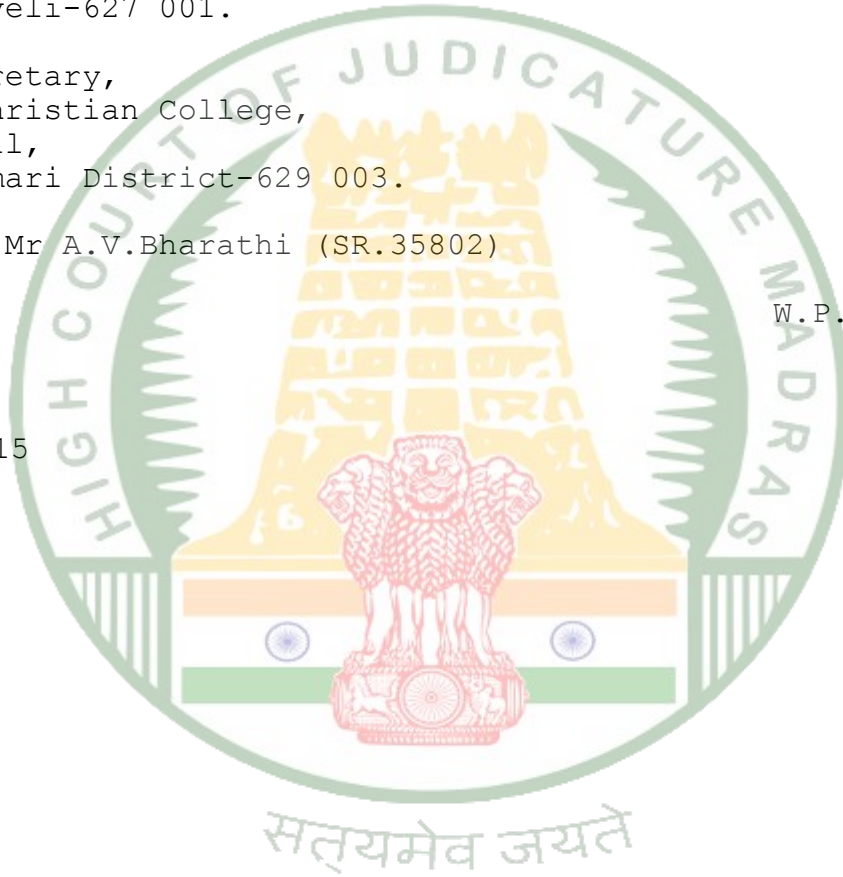
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 001.

3. The Secretary,
Scott Christian College,
Nagercoil,
Kanyakumari District-629 003.

+ 1 cc to Mr A.V.Bharathi (SR.35802)

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RV (CO)
YJ 24.07.15



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