

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23377 of 2015

M.Mathiyalagan

..

Petitioner

vs

1.The Director of Sugar
The Office of Director of Sugar
690, Anna Salai, Nandanam
Chennai 600 035

2.Managing Director
Ambur Cooperative Sugar Mills Ltd.,
Vadapudu Pet and Post
Vellore District 635 812

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to pass an order on the representation given by the petitioner on 6.4.2005 and 15.7.2015, requesting to promote him as Cane Development Assistant on par with the order made in W.P.No.14067 of 1998 dated 1.9.2004.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.R.Bala Ramesh
Additional Government Pleader
for R1

Ms.T.P.Savitha
Government Advocate for R2

ORDER

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

2.The petitioner would state that he was appointed as the Junior Clerk (Seasonal) in the services of Vellore Cooperative Sugar Mills Limited, on 11.1.1985, based on his qualification of passing Higher Grade Certificate in Agriculture, and he, after completion of 6 years of service, was deputed to the State Training Centre for getting special training for the post of Cane Assistant based on G.O.Ms.No.66, Agriculture (Sugar) Department, dated 5.2.1991, and was relieved after four months of training, along with the certificate of completion of training.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is further stated by the petitioner that he, on completion of the training, was issued with a proceeding by the

Special Officer of Vellore Cooperative Sugar Mills Limited in respect of allotment of place of work in the respective place, and as per the proceedings of the Special Officer of Ambur Cooperative Sugar Mills Limited dated 7.2.1982, he was allotted to Ambur Cooperative Sugar Mills Limited in the Cane Assistant vacancy, based on the proceedings of the Joint Commissioner of Madras dated 30.12.1991, and he also joined the said post.

4.The petitioner would further state that the Special Officer of Ambur Cooperative Sugar Mills Limited vide proceedings dated 27.10.1992, has informed him that he has been absorbed in the regular Cane Assistant vacancy and designated as Junior Cane Assistant with effect from 18.7.1992, and after completion of five years of service, he was upgraded to Clerical III Category, which is equivalent to Cane Assistant, and was further upgraded to Clerical II Category, which is equivalent to Senior Cane Assistant, with a revised scale of pay.

5.The petitioner would further aver that the Commissioner of Sugar has issued a Circular dated 4.11.1987, which is the subject matter of industrial dispute in I.D.No.484 of 1993 before the Labour Court at Vellore, and the Labour Court held that the Circular with retrospective effect, is unsustainable and the management of Vellore Cooperative Sugar Mills Limited also made a challenge by filing W.P.No.14067 of 1998 and this Court has confirmed the award passed by the Labour Court, subject to the right of the management to promote the petitioner as and when vacancy arises, and the Commissioner of Sugar has issued a revised Circular on 8.4.1988, relaxing the qualification fixed for Cane Assistant and Cane Development Assistant.

6.It is the specific claim of the petitioner that though he has completed 14 years of service and is eligible for being upgraded to the category of Cane Development Assistant from 2011 onwards, his claim has been overlooked and in this regard, has submitted representations dated 6.4.2015 and 15.7.2015, and since no orders have been passed, came forward to file this writ petition.

7.The learned Counsel appearing for the petitioner, would submit that in similar facts and circumstances, this Court vide order dated 3.8.2015, made in W.P.No.23378/2015, has directed the first respondent therein to consider the representation of Mr.P.Dhanapal - petitioner therein, and pass appropriate orders and therefore, similar order may be passed in this case also.

8.The Court heard the submissions of Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepted notice on behalf of the first respondent, and Ms.T.P.Savitha, learned Government Advocate, who accepted notice on behalf of the second respondent, also.

9.This Court, taking into consideration the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the petitioner's representations dated 6.4.2015 and 15.7.2015, on merits and in accordance with law and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this

order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

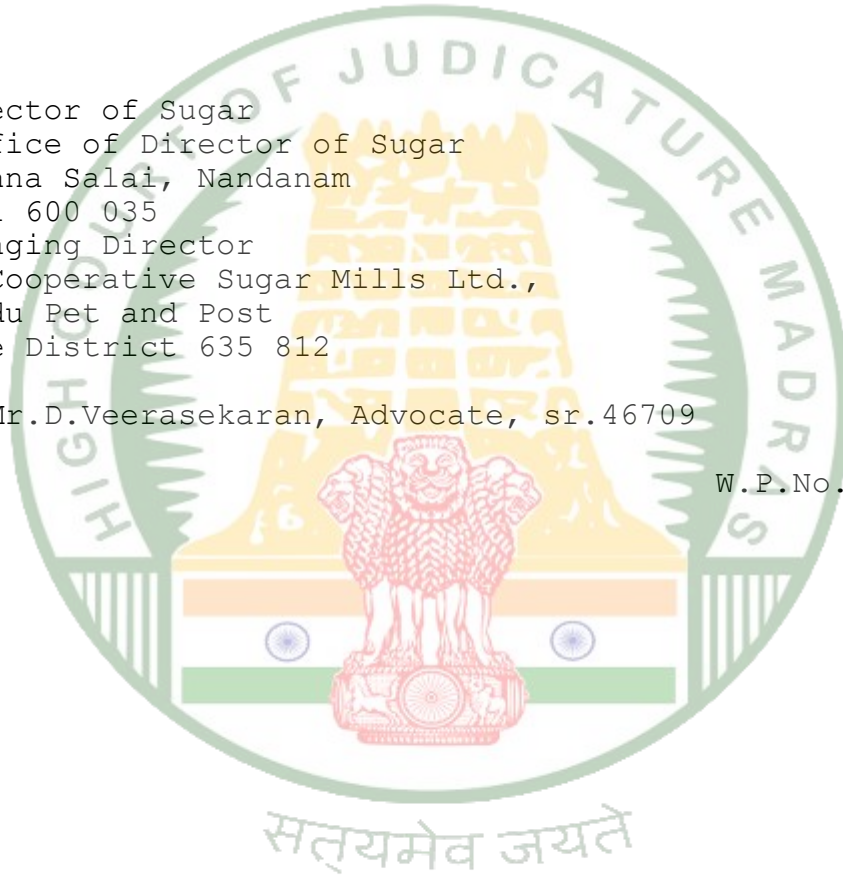
To:

- 1.The Director of Sugar
The Office of Director of Sugar
690, Anna Salai, Nandanam
Chennai 600 035
- 2.The Managing Director
Ambur Cooperative Sugar Mills Ltd.,
Vadapudu Pet and Post
Vellore District 635 812

+2 cc to Mr.D.Veerasekaran, Advocate, sr.46709

W.P.No.23377 of 2015

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