

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23378/2015

P.Dhanapal

... Petitioner

Versus

1.The Director of Sugar,
O/o.The Director of Sugars,
690, Anna Salai, Nandanam,
Chennai 600035.

2.The Managing Director
Ambur Co-operative Sugar Mills Ltd.,
Vadapudu Pet and Post,
Vellore District 635812.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to pass an order on the representations given by the petitioner on 06.04.2015 and 15.07.2015 requesting to promote the petitioner as Cane Development Assistant on part with the order made in WP.No.14067/1998 dated 01.09.2004.

For Petitioner : Mr.A.Thiyagarajan, SC for
Mr.D.Veerasekaran

For RR 1 & 2 : Mr.R.Bala Ramesh, AGP

ORDER

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

2.The petitioner would state that he was appointed as Junior Clerk [Seasonal] in the services of the Vellore Cooperative Sugar Mills Limited, Vellore, on 11.01.1985 and after completing 6 years of service from that date, he was deputed to the State Training Centre of Kudimiyam Malai, Pudukottai District, for getting special training in the post of Cane Assistant on the basis of G.O.Ms.No.66, Agriculture [Sugar] Department dated 05.02.1991 followed by a letter of the Additional Director of Agriculture [Work and Plan] dated 06.03.1991. The petitioner has completed 4 months of training and thereafter, he was relieved by the State Training Centre on 30.11.1991 and got a Training Certificate evidencing that he has completed the training. The petitioner was issued with a proceedings by the Special Officer of the said Mill to allot place of work in the respective place and the petitioner

was allotted Ambur Cooperative Sugar Mills in the post of Cane Assistant which was lying vacant at the relevant point of time. The petitioner has also joined the said post and was designated as Junior Clerk.

3. On 15.02.1992, the Special Officer of the Vellore Cooperative Sugar Mills, relieved the petitioner to Ambur Cooperative Sugar Mills with a direction to discharge duties of the Cane Assistant in Ambur Cooperative Sugar Mills and vide proceedings dated 27.10.1992, the Special Officer of the said Mill has stated that he was absorbed in the regular Cane Assistant vacancy and was designated as Junior Cane Assistant in the regular status with effect from 18.07.1992 and after completion of 5 years of service, the petitioner had been upgraded to Clerical III category which is equivalent to the Cane Assistant and his basic pay was revised at Rs.1,850/- with effect from 18.07.1997. The petitioner would further state that after completion of 5 years in the said post, he was upgraded to Clerical II category and his basic pay was revised to Rs.3,490/- with effect from 23.07.2002, which is equivalent to Senior Cane Assistant. According to the petitioner, the Commissioner of Sugars, issued a revised Circular dated 04.11.1987, fixing the qualification for the post of Cane Assistant and the Cane Development Assistant. The Cane Assistant Union of Vellore Cooperative Sugar Mills Limited raised an industrial dispute in ID.No.484/1993 challenging the said revised circular dated 04.11.1987 and the Labour Court held that the Circular giving retrospective effect is unsustainable. That order was put to challenge by the Management by filing WP.No.14067/1998 and both the parties agreed that the only impediment is the educational qualification and since, it has been removed, the employees are eligible to get promotion. This Court has taken note of the said fact and confirmed the award of the Labour Court subject to the above said modification. Thereafter, a revised Circular dated 08.04.1998 was issued, relaxing the qualification fixed for the Cane Assistant and Cane Development Assistant and the petitioner has submitted a series of representations in terms of the revised Circular and since he has not been favoured with any response, he came forward to file this writ petition.

4. Heard the submissions of Mr.A.Thiyagarajan, learned Senior Counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader who accepts notice for the respondents 1 and 2.

5. Though the petitioner has prayed for larger relief, this Court, without going into the merits of the representations submitted by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 06.04.2015 and 15.07.2015 in accordance with law and pass orders 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 herein.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Director of Sugar,
O/o.The Director of Sugars,
690, Anna Salai, Nandanam,
Chennai 600035.

2.The Managing Director
Ambur Co-operative Sugar Mills Ltd.,
Vadapudu Pet and Post,
Vellore District 635812.

+2ccs to Mr.D. Veerasekaran, Advocate, S.R.No.39226, 39712

+2ccs to the Government Pleader, S.R.No.39918, 39945

CA(CO)
EU(12/08/2015)

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