

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25628 of 2015

S.Durai

.. Petitioner

Vs

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Higher Education (C2) Department,
Secretariat, Chennai - 9.

2.The Principal Secretary/Commissioner,
Directorate of Technical Education,
Chennai - 25.

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to consider the claim of the petitioner for promotion to the post of Instructor in Polytechnic College as per the Rules with all benefits as given to the petitioner's juniors based on the High Court orders.

For Petitioner .. Mr.G.Elanchezhiyan

For Respondents .. Mr.S.Gunasekaran

ORDER

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

2.The petitioner was initially appointed as an Unskilled Assistant on 06.10.1967 with ITI qualification at Alagappa Government Polytechnic College, Karaikudi and got promotion as Skilled Assistant on 22.12.1972 and thereafter, passed Diploma in Mechanical Engineering during the year 1986. The petitioner was promoted as Draughtsman on 29.02.1996 and he continued to work in that capacity till the date of his retirement on 31.07.2006 without any further promotion as Instructor. The petitioner claims that he has put in 38 years of sincere and blemishless service to the satisfaction of superior officers.

3.The grievance expressed by the petitioner is that as per G.O.Ms.No.1364 Education Department dated 16.08.1988, promotional opportunity has been given to the lower category such as Foreman/Boiler Foreman/Electric Foreman/Workshop Instructor/Draughtsman and those who possess Diploma qualification in the respective branch of Engineering with two years of service can be considered for promotion to the post of Instructor and in this regard, number of writ petitions came to be filed and very many writ petitions have also been ordered and in respect of one Mr.K.Chandrasekaran, retired worker, the Government has also passed G.O.Ms.No.168 Higher Education (C2) Department dated 26.09.2014, granting him the relief of promotion to the post of Instructor from the date of retirement and also fixed the pay notionally and since he is similarly placed, entitled to similar relief and in this regard, submitted a representation dated 26.12.2014 to the Director of Technical Education and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.G.Elanchezhian, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice for the respondents.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this order, a copy of G.O.Ms.No.168 Higher Education (C2) Department dated 26.09.2014 and a copy of his earlier representation dated 26.12.2014 submitted to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the same, is directed to consider the same on merits and in accordance with law and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Principal Secretary to Government,
Higher Education (C2) Department,
Secretariat, Chennai - 9.

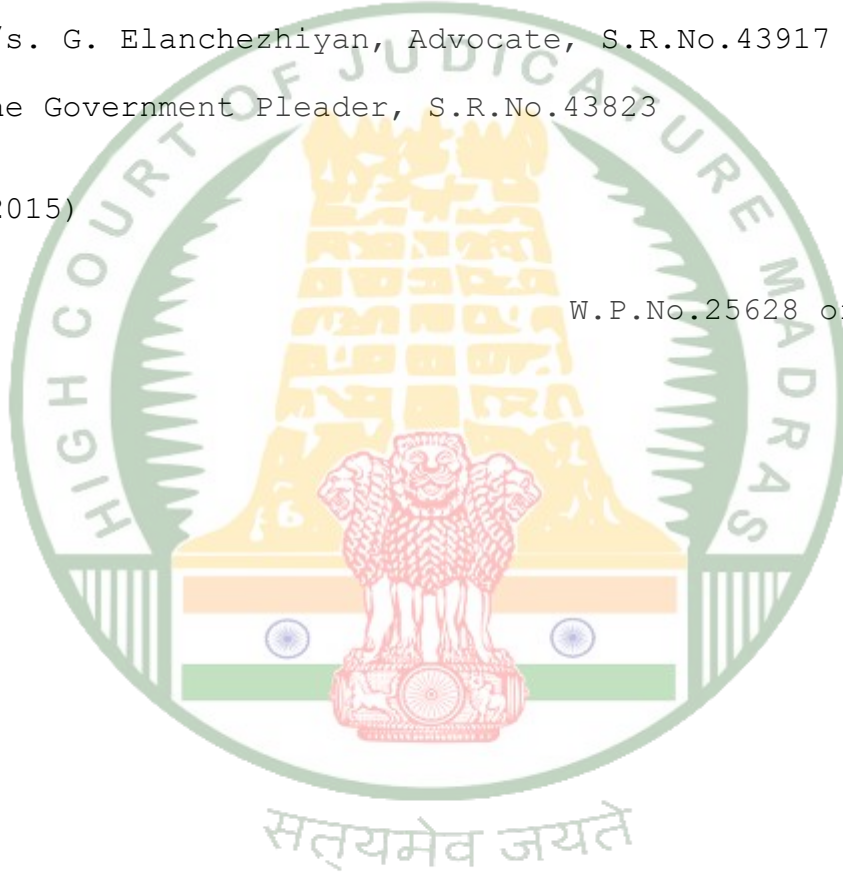
2.The Principal Secretary/Commissioner,
Directorate of Technical Education,
Chennai - 25.

+1cc to M/s. G. Elanchezhiyan, Advocate, S.R.No.43917

+1cc to the Government Pleader, S.R.No.43823

VSN(CO)
EU(03/09/2015)

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