

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25655 of 2015
and
M.P.No.1 of 2015

P.Chakravarthy

...Petitioner

Vs

1. The Joint Director (Personnel),
DPI Campus, College Road,
Chennai - 6.
2. The Chief Educational Officer,
Villupuram, Villupuram District.
3. The Headmaster,
Government Higher Secondary School,
Peruvalur, Villupuram District.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents herein to promote the petitioner to the post of P.G. Assistant (English) by including the petitioner in the panel for promotion to the post of P.G. Assistant (English) as on 01.01.2015 by considering the petitioner's appointment to the post of B.T. Assistant (Mathematics) as on 01.01.2002 instead of 01.01.2003 without reference to the order dated 17.03.2015 which has been stayed by this Court in W.P.No.15098 of 2015 vide order dated 21.05.2015.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

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

2.The petitioner would state that he was originally appointed as secondary grade teacher with effect from 08.10.1988 and completed his probation with effect from 07.10.1990 and probation was also declared by the jurisdictional Chief Educational Officer vide proceedings dated 14.06.1994.

3.It is the claim of the petitioner that as per the seniority, he was eligible for promotion to the post of B.T. Assistant as on 01.01.2002 and his juniors were included in the panel for promotion; however, his name was not included in the said panel. The petitioner, in this regard, submitted a representation dated 10.06.2002 for inclusion of his name in the panel for promotion as on 01.01.2002 and the said representation was forwarded along with the prescribed format by the third respondent and the petitioner has also sent a reminder on 12.06.2002 in this regard, but no orders have been passed. The petitioner subsequently came to know that his name was not included in the panel as on 01.01.2002 for the reason that his probation was not declared as on 01.01.2002 and thereafter, the probation of the petitioner was declared on 14.06.1994 with effect from 07.10.1990 vide proceedings of the second respondent and his name was subsequently included in the panel for promotion as on 01.01.2002. The representation submitted by the petitioner in that regard failed to evoke any response and therefore, he filed W.P.No.27961 of 2014 and this Court, directed the first respondent therein to consider his representation for restoration of seniority, however, it was rejected on 17.03.2015 by the first respondent and it is also put to challenge in W.P.No.15098 of 2015 and this Court, vide order dated 21.05.2015, has granted interim stay and it is still subsisting. The petitioner, on coming to know that panel for promotion is prepared to the post of P.G. Assistant, submitted a representation dated 16.06.2015, mentioning about the interim order passed in W.P.No.15098 of 2015 and in spite of receipt of the same, no orders have been passed and hence came forward to file this writ petition.

4.Learned counsel appearing for the petitioner would submit that since probation of the petitioner was declared on 14.06.1994 with effect from 07.10.1990, there cannot be any impediment on the part of the respondents to include the name of the petitioner in the panel for promotion to the post of P.G. Assistant and prays for appropriate

orders.

5.Per contra, Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents would submit that unless W.P.No.15098 of 2015, is disposed of, the petitioner is not entitled to any relief.

6.This Court has considered the rival submissions and also perused the materials placed before it. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 16.06.2015 on merits and in accordance with law and pass orders within a period of two 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director (Personnel),
DPI Campus, College Road,
Chennai - 6.
2. The Chief Educational Officer,
Villupuram, Villupuram District.
3. The Headmaster,
Government Higher Secondary School,
Peruvalur, Villupuram District.

1 CC to Ms.Dakshayani Reddy, Advocate SR.No. 43579

1 CC to the Government Pleader, SR.No.43819

W.P.No.25655 of 2015

KU (CO)

PSI (21.08.2015)