

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25895 of 2015

K.R.Baskaran

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Chief Secretary to
Government,
Secretariat, Chennai-600 009.

2.The Principal Secretary to
Government,
Personnel and Administrative
Reforms Dept.
Secretariat,
Chennai-600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 24.09.2014 in the light of the orders passed by this Court in W.P.No.14658 of 2011 dated 30.07.2012 for inclusion of the name of the petitioner in the appropriate place in the promotion panel for the year 2011-2012 to promote the petitioner as Under Secretary to Government with all service benefits.

For Petitioner : Mr.A.Ganesan

For Respondents: Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

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

2. The petitioner would state that he has passed S.S.L.C under the old system (11 years) in the year 1976 and also passed Higher Grade in English and Tamil Typewriting and appointed as a Typist in Rural Development and Local Administration Department on 14.10.1981 in the Tamil Nadu Secretariat Service temporarily under Rule 10(a) (i) of the Tamil Nadu State and Subordinate Service Rules, 1955 by the Secretary, Personnel and Administrative Reforms Department of the Government of Tamil Nadu. The services of the petitioner were

regularized with effect from 25.06.1984 as per G.O.Ms.No.996, Personnel and Administrative Reforms (Placements) Department dated 25.06.1984. The petitioner joined the second year foundation course in Madurai Kamarajar University through correspondence education, which is equivalent to +2 course as recognized by the Government in G.O.Ms.No.528, Personnel and Administrative Reforms Department dated 18.05.1985 and passed the same in the year 1981. Thereafter, the petitioner joined B.A. Degree (Regular Stream) through correspondence course and passed the said course in the year 1988. The petitioner would further state that since he possess the required qualification for the post of Assistant in Secretariat, he was appointed as Assistant by transfer from the post of Typist on 03.08.1992 as per the Tamil Nadu Secretariat Service Rules and his next avenue of promotion is Assistant Section Officer and according to the petitioner, he possess the minimum general educational qualification for considering his claim to the said post. The petitioner was promoted as Assistant Section Officer on 15.12.1994 and subsequently promoted as Section Officer on 07.12.2007 and though he was eligible to the post of Under Secretary to the Government, his name was not included in the promotion panel for the year 2011-2012 and the petitioner has ascertained reasons from the second respondent, who has informed him that since he did not possess the educational of 10 +2+3 years, his claim was not considered. The petitioner, in this regard, has submitted a detailed representation dated 24.09.2014 pointing out the orders passed by this Court in W.A.No.1372/2013 as well as the Hon'ble Supreme Court of India in S.L.P(C).No.14718/2014 dated 12.09.2014 and also G.O.(Ms).No.102, Personnel and Administrative Reforms (Q) Department dated 14.08.2013 and claimed that since he is similarly placed as that of Thiru.S.Mathevan Pillai, his claim has to be considered and since he is yet to be favoured with any response, came forward with this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the respondents.

4. This Court, in the light of the facts and circumstances and further taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's representation dated 24.09.2014 on merits and in accordance with law after taking note of the judgment dated 12.07.2013 made in W.A.No.1372/2013, order dated 12.09.2014 made in S.L.P(C).No.14718/2014 as well as G.O.(Ms).No.102, Personnel and Administrative Reforms (Q) Department dated 14.08.2013 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Chief Secretary to Government,
State of Tamil Nadu,
Secretariat, Chennai-600 009.

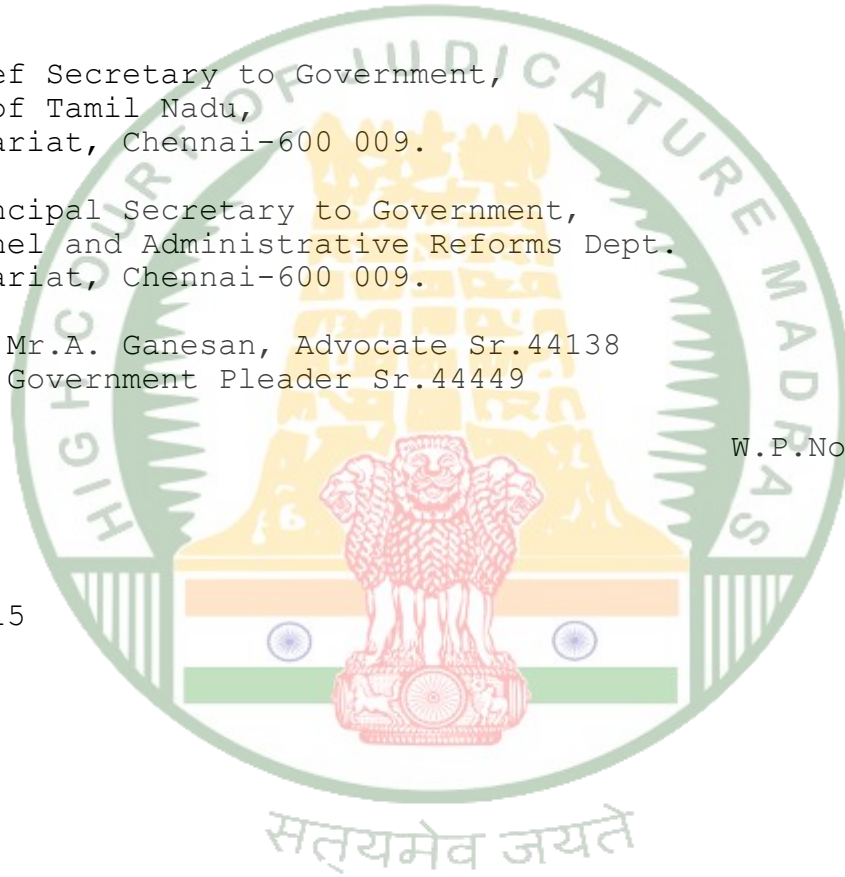
2.The Principal Secretary to Government,
Personnel and Administrative Reforms Dept.
Secretariat, Chennai-600 009.

+ 1 cc to Mr.A. Ganesan, Advocate Sr.44138

+ 1 cc to Government Pleader Sr.44449

W.P.No.25895 of 2015

GGK(CO)
EU 16.09.15



WEB COPY