

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25992 of 2015

V.Sekar

... Petitioner

Vs.

1. The Director of Sericulture,
Sericulture Department,
Foulks Campus, Anaimeedu,
Salem - 636 001.
2. The Assistant Director,
Sericulture Department,
No.6, VOC Road,
Thiruchirapalli and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to Re-Fix scale of pay in the post of Assistant from 30.5.1988 onwards based on the second respondent's communication dated 19.11.2012 and also petitioner's representation dated 03.12.2014 and to pay all other monthly benefits applicable to the petitioner.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.It is stated by the petitioner that he joined as a Junior Assistant in the services of the Sericulture Department on 15.12.1983 and completed his probation without any remarks on 25.06.1986. However, a formal order came to be issued on 20.12.1988. In the interregnum, the 1st respondent has prepared a temporary panel for the year 1988 for the post of Assistants and

the name of the petitioner was omitted. So also his name in the tentative seniority dated 16.10.1999. The petitioner, in this regard, submitted a representation to the 1st respondent through the 2nd respondent on 06.01.2000, based on which, the 1st respondent issued a revision of seniority list on 05.04.2002 and the petitioner's seniority was fixed as Sl.No.57A. The petitioner would further state that before a formal order could be passed, he was transferred on 02.07.1987 in the existing vacancy and was working as Assistant in-charge. But he was paid the salary for that post only from 29.01.1990, though he was eligible from 30.05.1988. Though the infirmities were pointed out and a positive recommendation was given by the 2nd respondent to the 1st respondent on 19.11.2012, in the interregnum, the petitioner had also retired from service and the 1st respondent, vide letter dated 09.09.2014, has informed the wife of the petitioner that the service particulars of D.Venkatesan, Assistant (Retired) have been sought for and thereafter, further action will be taken. Since no response is forthcoming either from the 2nd respondent or the 1st respondent, the present Writ Petition is filed.

3.Mr.K.Gandhi Kumar, learned counsel for the petitioner would submit that inspite of the positive recommendations made by the 2nd respondent, nothing has fructified so far and hence prays for appropriate orders.

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

5.This Court, in the light of the above facts and circumstances, directs the 1st respondent to act on the proposal initiated by the 2nd respondent on 19.11.2012 and pass appropriate orders as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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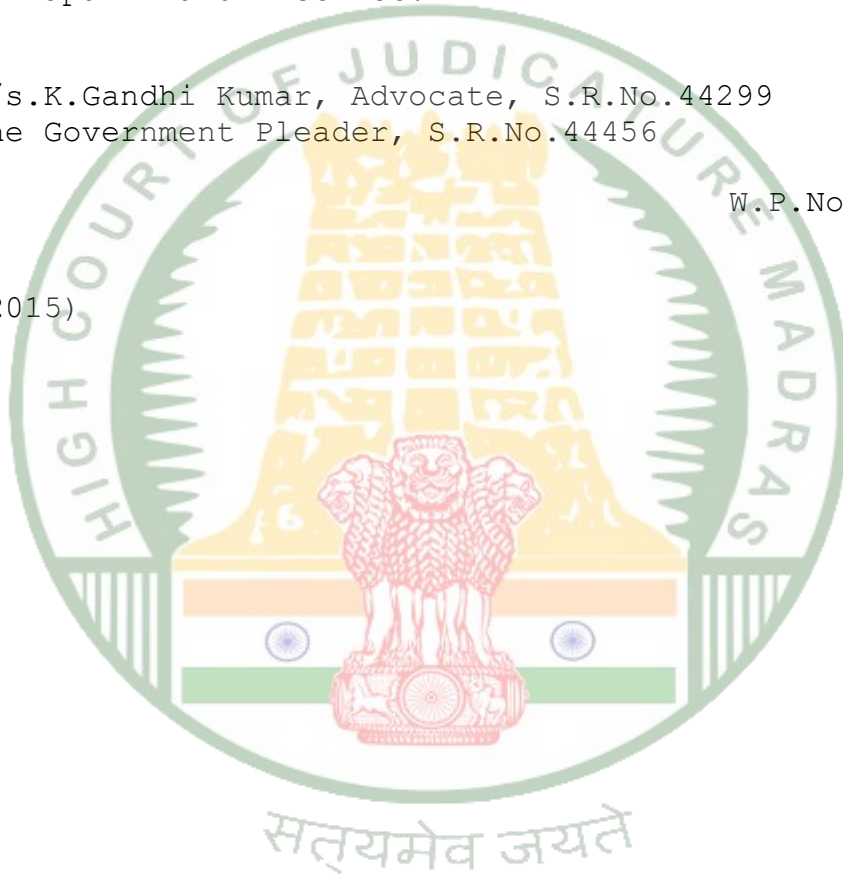
To

1. The Director of Sericulture,
Sericulture Department,
Foulks Campus, Anaimeadu,
Salem - 636 001.
2. The Assistant Director,
Sericulture Department,
No.6, VOC Road,
Thiruchirapalli and District.

+1cc to M/s.K.Gandhi Kumar, Advocate, S.R.No.44299
+1cc to the Government Pleader, S.R.No.44456

W.P.No.25992 of 2015

PPA(CO)
CA(03/09/2015)



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