

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.20574 of 2013
& M.P.No.1 of 2015

E.Panchatcharam

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Tourism and Culture Department,
Secretariat, Chennai-9.
- 2.The Principal Secretary/Commissioner of Art
and Culture,
O/o The Directorate of Art and Culture,
Tamil Valarchi Valagam,
Chennai-8.
- 3.The Principal, Government College
of Architecture and Sculpture,
Mamallapuram,
Kancheepuram District.

... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records connected with the impugned rejection order passed by the second respondent in Na.Ka.No.2004/B3/2011, dated 27.09.2012, quash the same and consequently, direct the respondents to promote the petitioner as Instructor as per rules with all benefits based on the proposal of the third respondent dated 20.07.2011.

For Petitioner : Mr.G.Elanchezhiyan

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

O R D E R

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

2. Heard Mr.G.Elanchezhiyan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents.

3. The petitioner seeks to quash the order dated 27.09.2012 and to direct the respondents to promote him as Instructor with all consequential benefits based on the proposal of the third respondent dated 20.07.2011.

4. During the course of the argument, the learned counsel appearing for the petitioner submitted that the impugned order came to be passed on a wrong appreciation of the petitioner's representation, as if the petitioner sought for retrospective promotion, but the petitioner's request itself is to consider his case for promotion with prospective effect at least from 2012 onwards, the date on which the order of rejection has been passed. The learned counsel further submitted that the petitioner would be satisfied if a direction is issued to the respondents to consider his case for promotion with prospective effect.

5. However, for this purpose, first the petitioner has to approach the respondents by way of representation and only thereafter, the same shall be directed to be considered.

6. The learned Additional Government Pleader appearing for the respondents, on instruction, submitted that if the petitioner is ready and willing to submit a fresh representation, a direction may be given to the authorities to consider his promotion prospectively.

7. In view of the above, the writ petition is disposed of by directing the petitioner to submit a representation to the second respondent through proper channel viz., through the third respondent, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider as to whether the petitioner's case can be considered for promotion prospectively, after calling for appropriate remarks from the third respondent, within a period of six weeks from the date on which the remarks are furnished by the third respondent.

8. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

raa

To

1.The Secretary to Government,
State of Tamil Nadu,
Tourism and Culture Department,
Secretariat, Chennai-9.

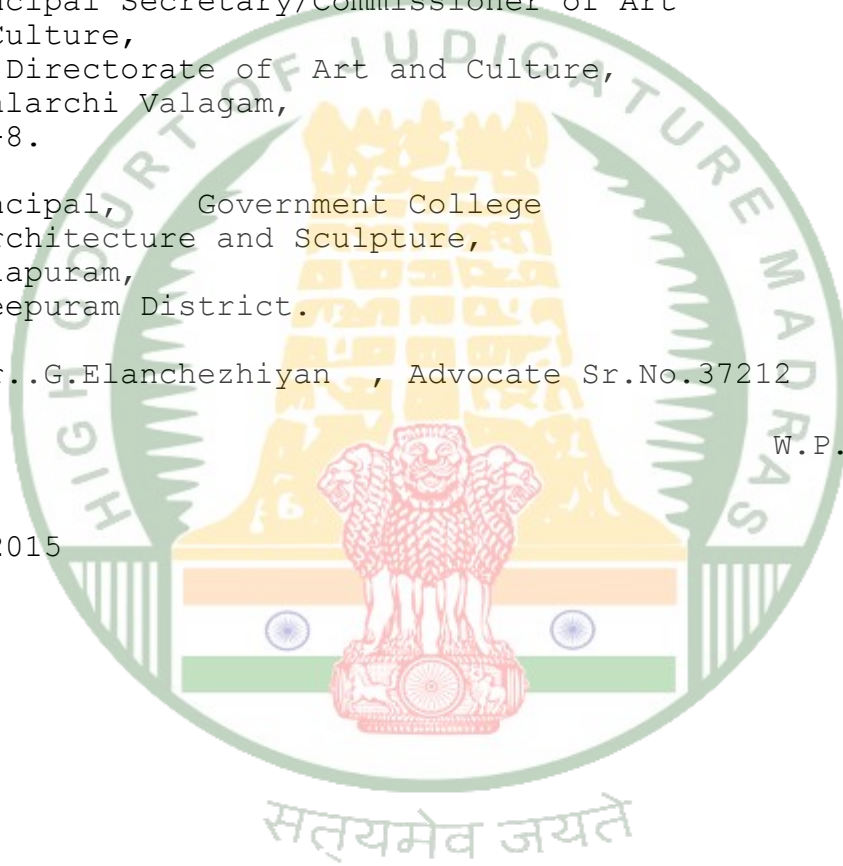
2.The Principal Secretary/Commissioner of Art
and Culture,
O/o The Directorate of Art and Culture,
Tamil Valarchi Valagam,
Chennai-8.

3.The Principal, Government College
of Architecture and Sculpture,
Mamallapuram,
Kancheepuram District.

1 cc to Mr..G.Elanchezhiyan , Advocate Sr.No.37212

W.P.No.20574 of 2013

scd(co)
pmk.31.7.2015



WEB COPY