

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.26797 of 2015

& M.P.No.1 of 2015

A.Nagarajan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 600 009
2. The Additional Director (Polytechnic),
Director of Technical Education,
Chennai - 600 025
3. Government Polytechnic College,
Rep. By its Principal,
Tuticorin - 628 008

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to promote and pay the benefits to the petitioner, as Instructor (Mechanical) with effect from 09.09.1977, Lecturer with effect from 09.09.1980, upgraded Senior Lecturer with effect from 12.09.1990, upgraded Head of the Department with effect from 12.09.1998 and upgraded Head of the Department with scale of pay of Rs.37400-Rs.67000 + AGP Rs.9000/- with effect from 12.09.2001 and consequently grant the seniority and monetary benefits from the date, based on G.O.Ms.No.472, dated 10.09.1998, and G.O.Ms.No.89, dated 31.03.2009 and Proceedings No.22104/B4/2012-I, dated 24.12.2012 and 06.12.2013 and orders, dated 19.09.2014 in W.P.Nos.25604 to 25607 of 2014, by which similarly placed persons like the petitioner, namely, Mr.Vinayagamorthy, G.Mathivanan, A.Albert Jesudas, N.Arunachalam, R.Rajagopalan, K.Raju, Esther Sugandhi Pramod, Senbagavalli, Megala and Vijaya, who were given retrospective promotion.

For Petitioner : Ms. A.V.Bharathi

For Respondents : Mr. S.Gunasekaran,
Govt. Advocate, for R-1 & R-2

O R D E R

Mr. S.Gunasekaran, learned Government Advocate, takes notice for respondents 1 and 2. By consent of the learned counsel for both

sides, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for both sides.

3. It is submitted by the learned counsel for the petitioner that the petitioner was appointed as a workshop Inspector in the year 1975 and subsequently, he was promoted as Instructor; though the petitioner has retired subsequently, a representation was made by him to the respondents, on 17.04.2015, seeking retrospective promotion, basing reliance upon the benefit given to the similarly placed persons; reliance has been made on the Government Order, passed in G.O.Ms.No.1364, Education Department, dated 16.08.1988, in this regard; as the said representation has not been considered and disposed of, the present writ petition has been filed by the petitioner.

4. This Court, without going into the merits or otherwise of the matter and taking into consideration the pendency of the representation of the petitioner, hereby directs the first respondent to consider and pass appropriate orders, on the pending representation of the petitioner, dated 17.04.2015, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

srk

To

1. The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 600 009
 2. The Additional Director (Polytechnic),
Director of Technical Education,
Chennai - 600 025
 3. The Principal,
Government Polytechnic College,
Tuticorin - 628 008
- +1 cc to Mr.A.V.Bharathi, Advocate, sr.45998
+1 cc to Government Pleader, sr.46250

rsi co, kra 8/9

W.P.No.26797 of 2015
& M.P.No.1 of 2015