

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28330/2015

A. Ravi

.. Petitioner

Versus

1.The Director of Handlooms and Textiles
Kuralagam, Chennai 600104.

2.The Secretary
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Part Town, Chennai 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 1st respondent to revise the seniority list in the post of Junior Assistants and Handloom Inspectors by placing the petitioner at the proper place in the seniority between the candidates selected by the 2nd respondent/TNPSC in the Spl.Competitive Examination, 2007 for the post of Junior Assistants for the 1st respondent Department and consequently to pass orders of promotion to the petitioner as Handloom Inspector with effect from 01.10.2014 on par with the other candidates viz., Sl.Nos.21,22,24,26 and 27.

For Petitioner : Mr.K.Premkumar
For R1 : Mr.N.Srinivasan, AGP
For R2 : Ms.C.N.G.Niraimathi

ORDER

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

2.The petitioner, at present working as Junior Assistant in the office of the Assistant Director of Handlooms and Textiles, Tirupur Circle on and from 23.02.2012 for the past 3 years and he would claim that he has rendered hard, sincere and blemishless service to the satisfaction of the superior officers. The petitioner was initially working as Junior Assistant in a temporary capacity in the Collectorate, Uthagamandalam, with effect from 08.07.2003 and he has appeared in the special competitive examination held during the year 2007 conducted by the 2nd respondent and his result was withheld due to non-mentioning of the community and subsequently, the certificates were verified and the results were published. Based on this, the petitioner got his appointment as Junior Assistant on 14.03.2012. The petitioner

would further state that he has also successfully completed his probation on 21.03.2014 and was deputed for the Foundation Training in Bavanisagar and also completed the same on 11.02.2013 and also passed all the prescribed tests and he is fully qualified to the post of Handloom Inspector.

3.The petitioner would state that the seniority list for promotion to the said post was approved vide proceedings of the 1st respondent dated 01.03.2013. The grievance now expressed by the petitioner is that 7 persons who had joined the duty between 24.12.2010 and 29.12.2010 were given posting orders on 04.11.2010 and consequently, they gain seniority over the petitioner. On account of the above said problem, the petitioner was not in a position to join the duty immediately and therefore, he should be assigned proper seniority and his name should be included in the panel for promotion to the post of Handloom Inspector. The petitioner in this regard, has submitted a representation dated 01.06.2015 to the 1st respondent and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file this writ petition.

5.Heard the submissions of the learned counsel for the petitioner ; Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the 1st respondent and Ms.C.N.G.Niraimathi, learned counsel who accepts notice on behalf of the 2nd respondent.

6.Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances, without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 01.06.2015 on merits and in accordance with law, after putting on notice the petitioner and the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein as well as to the persons concerned.

7.The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Handlooms and Textiles
Kuralagam, Chennai 600104.

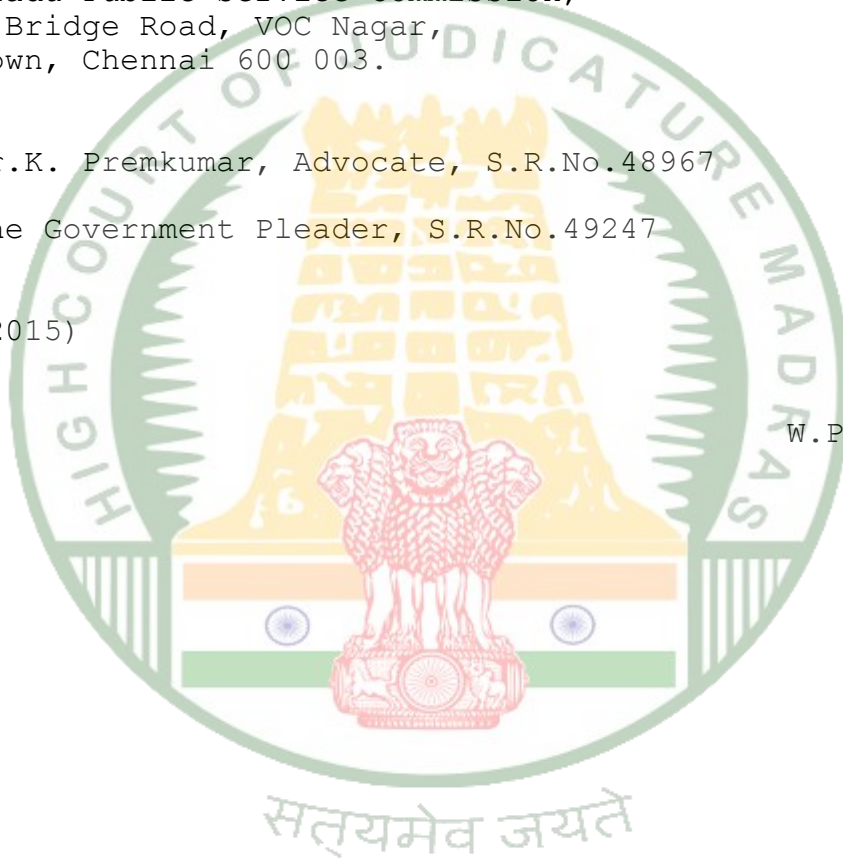
2.The Secretary
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Part Town, Chennai 600 003.

+1cc to Mr.K. Premkumar, Advocate, S.R.No.48967

+1cc to the Government Pleader, S.R.No.49247

SK(CO)
EU(25/09/2015)

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