

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28658 of 2015

P.Vani

... Petitioner

- Vs -

The Director of Public Libraries,
737, Anna Salai,
Chennai 600 008.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to promote the petitioner as Grade II Librarian.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.V.Subbiah, Spl. G.P.

ORDER

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

2. The petitioner initially joined the service as Untrained Librarian Grade-III through Employment Exchange on 15.05.1998 and subsequently, she was ousted from service. Challenging the order of termination, she filed writ petition in W.P.No.13245 of 1988 before this court and on constitution of Tamil Nadu Administrative Tribunal, it was transferred to the Tribunal and renumbered as T.A.No.248 of 1991. The Tribunal, by order dated 01.11.1995, allowed the said Application and ordered her to be reinstated in service, but, has not given her the benefits of pay and allowances for the period during which she was out of service and, however, the period between the date of termination, i.e., 05.09.1988 to till date of reinstatement was ordered to be taken into account for the purpose of continuity of service and pension and service benefits.

3. The said order was put to challenge before the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.5427 of 1996 and the Hon'ble Supreme Court, by order dated 08.08.1997, disposed of the said appeal with certain directions. Since there was no progress in the matter, the petitioner once again approached this court by way

W.P.No.35944 of 2007 and this court by order dated 25.04.2008, has directed the respondent to regularise the services of the petitioner w.e.f. 15.05.1988 and also clarified that the petitioner is entitled to get salary only from 01.11.1995. Accordingly, the Government has implemented the said order, by passing an order in G.O.Ms.No.114, School Education (K1) Department, dated 26.04.2010.

4. According to the petitioner, she is entitled to get promotion to the post of Gr.II Librarian and, in this regard, she has also submitted a representation to the respondent. The grievance expressed by the petitioner is that her representation for promotion has not been considered by the respondent. Hence, this writ petition.

5. Heard the submissions made on either side and also perused the records carefully.

6. Though a larger relief is sought for in the writ petition, taking into consideration of the facts and circumstances of the case and without going into merits of the claim projected by the petitioner, this court directs the respondent to consider the representation of the petitioner dated 14.08.2015 on merits and in accordance with law and pass appropriate orders thereon 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.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Director of Public Libraries,
737, Anna Salai, Chennai - 600 008.

+ 1 cc to Mr.S. Ilamvaludhi, Advocate Sr.49754
+ 1 cc to the Government Pleader Sr.49754

W.P.No.28658 of 2015

JP(CO)
Eu 30.09.15