

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31374/2015 & M.P.No.1/2015

A.Muthukrishnan

..

Petitioner

Versus

1. The Director of Sugar,
O/o. Director of Sugar,
690, Anna Salai,
Chennai - 600 035.
2. The Special Officer,
NPKRR Co-Op. Sugar Mills,
Thalaignayiru, Ilanthoppu Post,
Nagapattinam District - 609 201.

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, regularizing the services of the petitioner by promoting to the post of Accountant as on 31.01.2014 in the 2nd Respondent Mill based upon G.O.Ms.No.127 dated 11.06.2015 with all attended benefits as requested by him in his representation dated 15.06.2015.

For Petitioner : Mr.R.Kannan

For Respondents : Mr.R.Bala Ramesh,
Additional Government Pleader
(Co-Op)

सत्यमेव जयते

ORDER

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

2 The petitioner would state that he joined the services of the 2nd respondent - Mill as Accounts Clerk on 16.04.1986 and claims to have discharging his duties honestly and sincerely to the satisfaction of the superior officers and the petitioner got promotion as Assistant Accountant on 14.12.1995 and at present, is working in that capacity. It is the claim of the petitioner that in case of any retirement in the post of Accountant, on attaining the age of superannuation, based on seniority list, the next immediate junior will be posted to the post of Accountant and accordingly, one S.Mathivanan retired on 31.12.2012 as Accountant and thereafter, Mr.R.Kathiravan was posted in that post and subsequently, the immediate senior of the

petitioner was also retired on 31.12.2014 and consequently, the petitioner ought to have been given promotion as Accountant by the 2nd respondent ; but it has not been done so. According to the respondents, as per G.O.Ms.No.127, Industries Department dated 11.06.2015, for promotion to the post of Accountant, five years experience in Sugar Industry is mandatory ; whereas the petitioner would claim that the said Government Order is not applicable to the facts of his case and has also submitted a representation dated 15.06.2015 to the 1st respondent through proper channel and made a request to promote him to the post of Accountant and though the said representation was acknowledged on 20.06.2015, no orders have been passed and hence, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader [Co.op] who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 15.06.2015 on merits and in accordance with law 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.

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

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

AP

To

1. The Director of Sugar,
O/o. Director of Sugar,
690, Anna Salai,
Chennai - 600 035.

2. The Special Officer,
NPKRR Co-Op. Sugar Mills,
Thalaigayiru, Ilanthoppu Post,
Nagapattinam District - 609 201.

+1 CC to The Government Pleader, sr.54377

+1 cc to Mr.R.Kannan, Advocate, sr.54123

W.P.No.31374/2015