

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34857 of 2015

T.Suyambulingom

... Petitioner

Vs.

- 1 The Secretary
Government of Tamil Nadu,
Tamil Development and Information Department,
Fort St. George,
Chennai - 600 009
- 2 The Secretary,
Government of Tamil Nadu,
P & AR Department,
Fort St. George, Chennai - 600 009.
- 3 The Director,
Government of Tamil Nadu,
Information and Public Relation Department,
Fort St. George,
Chennai - 600 009. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to promote the petitioner as "Assistant Works Manager" on recruitment by transfer of post as per the provisions of Tamil Nadu Special Rules for Stationer and Printing Service with all consequential benefits by considering his representation dated 15.06.2015.

For Petitioner : Ms.T.Aananthi
For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

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

2.The petitioner was appointed as Supervisor (Overseer) by the first respondent on 08.06.2011 and joined the services on 10.06.2011 and the services were regularised by the order dated 03.07.2012 and probation was also successfully declared on

09.06.2013. The petitioner claims that he has also passed Departmental test and would further state that on 31.05.2012, the post of Assistant Works Manager became vacant on account of the retirement of Mr.Suryanarayanan and he was put incharge of the office by the third respondent vide letter dated 31.05.2012 and vide proceedings dated 24.06.2014 by the third respondent, the petitioner was put full additional incharge and continued to work from that date. The petitioner claims that he is fully eligible and entitled to get promotion as Assistant Works Manager and in this regard has also made a representation on 07.05.2013.

3.It is further stated by the petitioner that the first respondent also obtained concurrence from the second respondent and forwarded to the consent of the Tamil Nadu Public Service Commission as early as on 11.08.2014 and however, without considering the same, the Tamil Nadu Public Service Commission issued a notification dated 22.08.2014 inviting applications for filling up the post of Assistant Works Manager. The petitioner in this regard has also submitted a representation dated 27.08.2014.

4.The petitioner in this regard has also filed W.P.No.30712 of 2014 and this Court vide order dated 26.02.2015 has taken note of the submission of the learned Standing Counsel appearing for the Tamil Nadu Public Service Commission to the effect that decision has been taken to go ahead with the selection process relating to the appointment of 8 posts of Assistant Works Manager in the Government press and according to the Commission, they have decided to keep one post of Assistant Works Manager, which is occupied by the petitioner by holding charge vacant, disposed of the writ petition.

5.The grievance now expressed by the petitioner is that his genuine claim to the post in which he is holding additional incharge has not been considered so far inspite of the fact that he possess the requisite and necessary qualifications and in this regard, has also submitted a representation dated 15.06.2015 to the third respondent and since no orders have been passed, came forward to file this writ petition.

6.Heard the submissions of Ms.T.Aananthi, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

7.Though the petitioner 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 third respondent to consider and dispose of the petitioner's representation dated 15.06.2015 on merits and in accordance with law after affording an opportunity of personal hearing 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.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary
Government of Tamil Nadu,
Tamil Development and Information Department,
Fort St. George,
Chennai - 600 009
- 2 The Secretary,
Government of Tamil Nadu,
P & AR Department,
Fort St. George, Chennai - 600 009.
- 3 The Director,
Government of Tamil Nadu,
Information and Public Relation Department,
Fort St. George,
Chennai - 600 009.

+1 cc to M/s.T.Aananthi, Advocate, sr.59384
+1 cc to Government Pleader, sr.59891

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ad co
kra 27.11.2015

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