

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36557 of 2015

and

M.P.No.1 of 2015

A.Balraj

Petitioner

Vs.

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.

2.The District Collector,
Salem District,
Salem.

3.The District Adi Dravidar and
Tribal Welfare Officer,
Salem,
Salem District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to consider and appoint the petitioner as Cook in the time scale taking into consideration of the services rendered by the petitioner in the same department by considering the representation dated 09.11.2015 made by the petitioner and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents: Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

ORDER

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

2. The case of the petitioner is that the petitioner belonged to Adi Dravidar community and he registered his name in the Employment Exchange in the year 1997. The third respondent called for list of candidates for the post of Sweeper and the Employment Exchange sponsored his name and that he was appointed as Sweeper on 01.06.2012 in the Hostel run by the office of the third respondent.

3. The petitioner would contend that despite the fact that he has been working as Sweeper for more than 3 years and six months, his service was not regularised and he is being paid only the consolidated salary of Rs.2,000/- per month. The petitioner would further contend that though he was appointed as Sweeper, he is used as a cook whenever the cook goes on leave and hence, he has got sufficient experience in cooking as well.

4. The learned counsel for the petitioner submitted that the respondents have taken steps to fulfill eighty (80) posts of Cook in Salem District in the time scale of pay and they called for list of candidates from Employment Exchange. Since the petitioner was already appointed as Sweeper, his name was not sponsored by the Employment Exchange.

5. The learned counsel for the petitioner further submitted that the respondents had conducted interview on 29.10.2015 for the candidates sponsored by the Employment Exchange and also in respect of the persons who applied through paper advertisement. As per the Tamil Nadu Basic Service Rules, after regularisation in the post of Sweeper, the next avenue of promotion is Cook. Since the petitioner is already working in the same department, he sought preference in appointment to the post of Cook and hence, he sent a representation dated 09.11.2015 to the second respondent enclosing the experience certificate, which is not considered by them so far. On the otherhand, the respondents are attempting to appoint some other persons in the post of Cook and hence, the present writ petition.

6. Heard the submission of Mr.P.Ganesan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

7. This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the case, directs the second and third respondents to consider the petitioner's representation dated 09.11.2015 and pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken by them to the petitioner.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.

2.The District Collector,
Salem District,
Salem.

3.The District Adi Dravidar and
Tribal Welfare Officer,
Salem, Salem District.

W.P.No.36557 of 2015

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