IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 48511 OF 2006
(O.A.NO.1919 of 2001)

M. Neelakandan .. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by Secretary to Government
Animal Husbandry & Fisheries Department
Chennai - 9.

2. The Commissioner/
Director of Fisheries
Chennai - 600 006.

3. K. Chidambaranathan
Sub Inspector of Fisheries
Royapuram
Chennai - 600 013.

4. M. Balasubramanian
Sub Inspector of Fisheries
Poompuhar
Nagapattinam District.

5. Pinakapani
Sub Inspector of Fisheries
Cuddalore.

6. V. Kuppusamy
Sub Inspector of Fisheries
Krishnagiri.

7. M.R. Venkatanarayanan
Sub Inspector of Fisheries
Cudapakkam
Chengalpattu District. .. Respondents

PRAYER: This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.1919 of 2001

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from the file of Tamil Nadu Administrative Tribunal with a prayer to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Pro.No. M1/6039/93 dated 08.02.2000, quash the same in so far as it relates to respondents 3 to 7 herein and issue directions to respondents 1 and 2 to include the name of the applicant in the panel for promotion as on 01.05.1993 to the post of Sub Inspector of Fisheries, approved in Pro.No.M1/6039/93 dated 08.02.2000 of the 2nd respondent in the appropriate place therein i.e. above K. Chidambaranathan (Sl.No.12), the 3rd respondent and below Thiru S. Subramanian (Sl.No.11) and grant promotion as Sub Inspector of Fisheries with retrospective effect from the date of promotion of his immediate junior with all consequential benefits and pass such further orders.

For Petitioner : Mr. M. Ravi

For Respondents : Mr. N. Srinivasan, AGP for R1 & R2
No Appearance for R3 to R7

O R D E R

The petitioner filed O.A. No. 1919 of 2001 before the Learned Tamilnadu Administrative Tribunal, seeking a direction against the second respondent to promote him as Sub Inspector of Survey in the Tamil Nadu Fisheries Subordinate Service, on the ground that as on 01.05.1993 there were only 14 vacancies in the post of Sub Inspector of Fisheries and though the name of 20 candidates were included in the temporary panel, only 14 persons could be accommodated and the temporary panel also had lapsed on 27.07.1994. Thereafter, since the petitioner became qualified and eligible, in the subsequent panel his name ought to have been included therein, according to his seniority in the feeder category, but that has not been done.

2. A detailed counter affidavit has been filed stating that at the relevant point of time, when temporary panel dated 28.07.1993 was prepared, the petitioner had not passed the Account Test for Subordinate Officers Part-1 as on 01.05.1993. Therefore, he was not eligible for promotion as Sub Inspector of Survey in the Tamil Nadu Fisheries Subordinate Service. Hence, the temporary panel in which he was not entitled to be included, was made permanent after the same was drawn on 01.07.1993. Further, no temporary or permanent panel was drawn during the subsequent years namely, January 1995 to January 1998. Mr. N. Srinivasan, learned Additional Government Pleader, also placing on record a written instruction, submitted that the petitioner's name was included in the subsequent panel drawn on 01.05.1999 vide office file No.13381/M1/2003 and the petitioner has also joined duty as Sub Inspector of Survey on 09.06.2004. Thereafter, serving in the department for 3 years he retired on reaching the age of superannuation on 31.03.2007.

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3. In view of the fact that the petitioner's name was included in the panel for the year 1999 and the petitioner has already been promoted as Sub Inspector on 09.06.2004, who consequently got retired on 31.03.2007, nothing survives in this writ petition.

4. In view of the above, the Writ Petition fails and the same is dismissed. No order as to costs.

avr

-s/d-
Assistant Registrar(LA)
Dt:6/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
   Animal Husbandry & Fisheries Department
   Chennai - 9.

2. The Commissioner/ Director of Fisheries
   Chennai - 600 006.

+ 1 cc to Mr.M.Ravi, Advocate SR 2560

+ 1 cc to Govt. Pleader SR 2110

rj(co)
prk11/2

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