



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2015

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THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P.(MD)No.4097 of 2013

N.Chellasamy

... Petitioner

Vs.

1.The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.

3.Mr.S.Mohammed Hyder Ali,
District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.

4.Mrs. Bagavathy,
Laboratory Assistant,
Govt Adi Dravidar Welfare Higher Secondary School,
Valasai,Kadayanallur,
Tenkasi Taluk, Tirunelveli District.

5.Mr.P.Mariappan,
Laboratory Assistant,
Dr.Ambedkar Govt, Adi Dravidar Welfare Boys Higher
Secondary School,
Nallammalpuram,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order of promotion passed in his proceedings in Na.Ka.A4/20785/2010 dated 01.03.2013 and quash the same as illegal and arbitrary and consequently direct the second respondent to promote the petitioner as Laboratory Assistant with effect from the month of February 2012 based on the proceedings of the first respondent issued in Na.Ka.A4/20785/2010 dated 14.2.2012 with all service benefits as well as to direct the first respondent to take action against the third respondent for granting illegal promotion within the time



limit that may be stipulated by this Court or any other appropriate Writ, Order or Direction in the nature of a Writ or any other relief as this Court may deem fit in the circumstances of the case.

For Petitioner ... Mr.G.Thalaimutharasu
For R1 & R2 ... Mr.J.Gunaseelan Muthaiah
Government Advocate
For R5 ... Mr.D.Sevaraj
For R3 & R4 ... No appearance

O R D E R

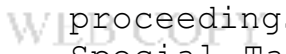
This Writ Petition has been filed by N.Chellasamy challenging the impugned proceedings dated 01.03.2013 issued by the District Adi Dravidar and Tribal Welfare Officer, Tirunelveli District, Tirunelveli, the second respondent herein, to quash the same as illegal and for a consequential direction to the second respondent to promote the petitioner as Laboratory Assistant with effect from February 2012 based on the proceedings of the first respondent issued in Na.Ka.No.01/1718/12 dated 14.02.2012 with all service benefits.

2. By consent the Writ petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. Learned counsel for the petitioner submitted that the petitioner was appointed as Cook in the Adi Dravidar Welfare Department on 11.01.1990 through the Employment Exchange and subsequently, he was brought to time scale of pay on 06.07.1990 after 20 years. Further, he was promoted as Watchman, since then he has been working in the Adi Dravidar Welfare Boys Hostel in Achanpudur. It is the further claim that after entering into the service of the respondent Department as Cook, the petitioner has passed SSLC in March 1995. It is further submitted that the petitioner has done Foundation Programme i.e equivalent to +2 from Annamalai University in the year 2011 after getting proper permission from the authority. The service particulars are also furnished by the Special Tahsildar (ADW) in his proceedings dated 14.10.2009.

5. It is further submitted that a person to be promoted as Laboratory Assistant in the schools of Adi Dravidar Tribal Welfare Department, should hold the post of Record Clerk in the Tamil Nadu General Subordinate Services or Office Assistant, Cook <https://hcservices.courts.gov.in/hcservices/> or the Tamil Nadu Basic Service. While so, the second respondent addressed to the Special Tahsildar to act upon his



8. This Court, finding no mentioning about the Sweeper cum Watchman as a feeder category in Rule 3 of the Tamil Nadu Adi Dravidar and Tribal Welfare Subordinate Service Rules, is of the considered view that the second respondent ought not to have overlooked the case of the petitioner when he has been working from 11.01.1990 prior to the fifth respondent. Therefore, the impugned order passed by the second respondent promoting the fifth respondent is set aside and the second respondent is directed to promote the petitioner in the said place. The said exercise shall be done within a period of three months from the date of receipt of copy of this order.



9. Accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

To,

1.The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.

2.The District Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District, Tirunelveli.

+1cc to Mr.G.Thalaimutharasu, Advocate Sr.No.61894

+1cc to Mr.D.Selvaraj, Advocate Sr.No. 61415

+1cc to Spl.GOvernemnt Pleader Sr.No. 61675

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AA/JGB-DP/20.11.2015/4p-6c

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