

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.11248 and 11249 of 2016

P.Madhaiyan ... Petitioner in WP.11248/2016

M.Mahendiran ... Petitioner in WP.11249/2016

Vs

1. The Director of Sugar Mills
690, Anna Salai,
Nandanam, Chennai -600 035

2. The District Revenue Officer/ Administrator
Subramania Siva Co-operative Sugar Mills,
Gopalapuram - 636 901
Dharmapuri.

... Respondents in both petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking Writs of Mandamus directing the respondents to promote the petitioners as per the recommendation of the 2nd respondent in Na.Ka.No. 4181/92/E2 dated 28.07.15 based on the petitioners' representation dated 25.06.2015.

For petitioners : Mr.M.Selvam

For R1 : Mr.D.Venkatachalam
Government Advocate

For R2 : Mr.R.Balaramesh
Additional Government Pleader

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O R D E R

These writ petitions have been filed by Mr.P.Madhaiyan and M.Mahendiran seeking writ of mandamus directing the respondents to promote them as Clerk III as per the recommendation of the second respondent in Na.Ka.No.4181/92/E2 dated 28.07.15 based on their representation dated 25.06.2015.

2. Heard Mr.M.Selvam, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate, who took notice for the first respondent and Mr.R.Balaramesh, learned Additional Government Pleader, who took notice for the second respondent.

3. The petitioners were appointed as Clerk in the Subramania Siva Co-operative Sugar Mills, Gopalapuram, Harur Taluk, Dharmapuri District on 23.10.1992 and now they are working as Grade IV in the said mill. Though the petitioners are eligible to be promoted as Grade III, their names were not considered for promotion. Therefore, the petitioners made a representation to the second respondent requesting to consider their name for promotion. The second respondent has also recommended the name of the petitioners for promotion vide proceedings dated 09.3.2009. Since no action was taken thereafter, they filed writ petitions in WP.Nos.23740 and 23741 of 2011 and this Court, by order dated 06.01.2012, directed the first respondent to consider the proposal submitted by the second respondent. Pursuant to the said direction, the respondents, by proceedings dated 10.4.2012, informed the petitioners that their request would be considered as and when vacancy arises in the Mills. Since the second respondent, by its proceedings dated 30.01.2014 in Na.Ka.No.1967/2011/E2, have promoted two persons from Clerks - III to Clerks - II, the petitioners have given a representation dated 25.6.2015 to consider their name for promotion in the post of Grade III in view of the vacancy, which has arisen now. Subsequently, the second respondent has also sent a letter in Na.Ka.No.4181/92/E2 dated 28.7.2015 to the first respondent recommending the name of the petitioners for promotion as Grade III Clerk.

4. Now, it is the grievance of the petitioners that though the second respondent has made a recommendation as early as on 28.7.2015, their representations have not been considered by the first respondent till date.

5. Considering the limited relief sought for by the petitioners, this Court, directs the first respondent to consider the representation dated 25.6.2015 submitted by the petitioners in the light of the recommendation made by the second respondent vide proceedings dated 28.7.2015 in Na.Ka.No.4181/92/E2, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petitions are disposed of
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Sugar Mills
690, Anna Salai,
Nandanam, Chennai -600 035
2. The District Revenue Officer/ Administrator
Subramania Siva Co-operative Sugar Mills,
Gopalapuram - 636 901
Dharmapuri.

+2cc's to Mr.M.Selvam, Advocate, S.R.Nos.19211 & 19212

+2cc's to Mr.R.Balaramesh, Advocate, S.R.Nos.19284 & 19285

+1cc to the Government Pleader, S.R.No.19602

WP.Nos.11248 and 11249 of 2016

MSM(CO)
CA(18/04/2016)

सत्यमेव जयते

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