

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11866 of 2016

S.D.Sirajudin .. Petitioner

-vs-

1. State of Tamil Nadu rep.by its
Secretary to Government
Higher Education Department
Secretariat, Chennai-9
2. Director of Collegiate Education
Chennai-6
3. Joint Director of Collegiate Education
Chennai-15
4. Secretary & Correspondent
The New College
87, Peters Road
Royapettah, Chennai-14 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to notionally give promotion to the petitioner as Superintendent from the date on which his junior was promoted on 01.07.1992 and confer all the consequential benefits by considering the representation dated 30.01.2016, 08.02.2016 and 16.02.2016.

For Petitioner :: Mr.P.Ganesan

For Respondents :: Mr.S.Gunasekaran
Additional Government Pleader for
R1 to R3

ORDER

The petitioner, having been appointed as Attender on 21.1.65 in the fourth respondent college, was promoted as Clerk on 1.5.65 and the post of Clerk was re-designated as Junior Assistant from 1.1.74. However, the monetary benefits were given only from 1.1.77. After sometime, he was further promoted as Assistant on 1.8.86. Since the regularisation of service in the post of Junior Assistant was done only in the year 1994, his services in the

promoted post of Assistant were not regularised. In this background, the grievance of the petitioner is that when the proposals for regularisation in respect of one Mr.S.Mohammed Hussain, who was also promoted along with the petitioner on 1.8.86, came to be approved on 16.11.87, referring to the same, he has made a representation to the respondents requesting them to take steps to regularise his services in the post of Assistant with effect from 1.8.86. But the said request was rejected by the order dated 23.1.2004 passed by the first respondent. Challenging the said order, the petitioner filed W.P.No.2602 of 2004 and this Court by order dated 2.4.2012 allowed the said writ petition with a direction to the official respondents to approve the appointment of the petitioner in the post of Assistant from May, 1992 along with his junior Mr.S.Mohamed Hussain with all the consequential benefits and to fix the scale of pay in the further promoted post of Superintendent accordingly. In the light of the said order, the petitioner has made a representation to the respondents on 30.1.2016 followed by the reminders dated 8.2.2016 and 16.2.2016. Since the said representations have not been considered, he has come to this Court.

2. Heard the learned counsel for the petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3.

3. Considering the limited nature of prayer made by the learned counsel for the petitioner, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 30.1.2016, followed by the reminders dated 8.2.2016 and 16.2.2016, in the light of the order passed by this Court in W.P.No.2602 of 2004 dated 2.4.2012, and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

ss

To

1. The Secretary to Government
Higher Education Department
Secretariat, Chennai 600 009

2. The Director of Collegiate Education
Chennai 600 006

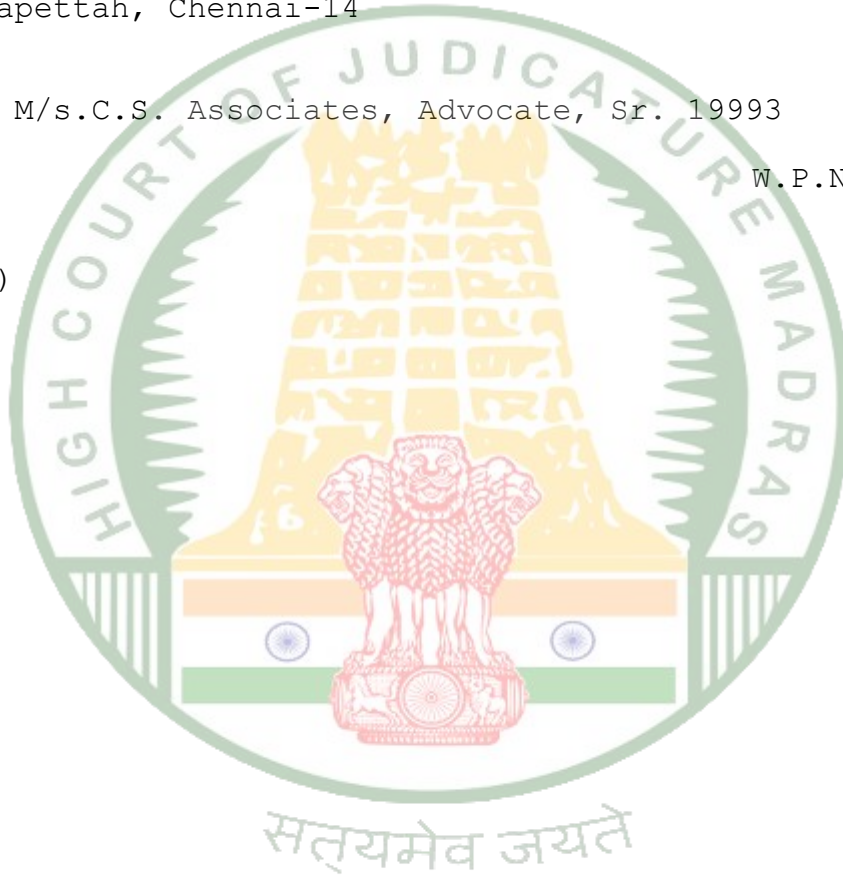
3. The Joint Director of Collegiate Education
Chennai 600 015

4. The Secretary & Correspondent
The New College
87, Peters Road
Royapettah, Chennai-14

1 cc to M/s.C.S. Associates, Advocate, Sr. 19993

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