

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.12056 of 2016
and WMP No.10425 of 2016

V.Hari Radhakrishnan

... Petitioner

vs.

1. The Government of Tamil Nadu
Rep. by the Principal Secretary,
Tourism, Culture, Religious Endowment Dept.,
Secretariat, St. George Fort,
Chennai - 9

2. The Commissioner of Tourism,
Tourism Complex,
Walajah Road, Chennai - 2.

3. Mr.S.Bakthavatchalam,
Additional Director of Tourism,
Dept. of Tourism, Tourism Complex,
Walajah Road, Chennai - 2

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of quo warranto, calling upon the third respondent to show cause under what authority of law he is holding the post of Addl. Director of Tourism of the second respondent and consequently declare the post of Addl. Director of Tourism now held by the third respondent as vacant.

For Petitioner : Mr.S.Pushpakaran

For Respondents: Mr.R.Vijayakumar (for R1&R2)
Additional Government Pleader

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O R D E R

This writ petition has been filed by Mr.V.Hari Radhakrishnan, a retired Tourist Officer, questioning the appointment of the 3rd respondent Mr.S.Bakthavatchalam, as Additional Director of Tourism, pursuant to G.O.(Ms.) No.5, Tourism and Culture (T2-1) Department, dated 10.01.2013, in which, the Government after careful consideration accepting the proposal of the Principal Secretary / Commissioner of Tourism,

has accorded sanction to upgrade the existing post of Joint Director of Tourism in the scale of pay of PB3 15600-39100 + G.P.Rs.7,600/- in the Commissionerate of Tourism as Additional Director of Tourism in the scale of pay of PB4 Rs.37400 - 67000 + G.P.Rs.8700, so as to provide promotional opportunity to the existing incumbent in the post of Joint Director of Tourism.

2. Heard Mr.P.Pushpakaran, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, after accepting notice for respondents 1 and 2. By consent of learned counsel on either side, the writ petition is taken up for final disposal at the time of admission itself.

3. The grievance of the petitioner is that when the post of Additional Director of Tourism is not the post sanctioned by the Government, there is no sanctioned post of Additional Director of Tourism. Therefore, the 3rd respondent M.S.Bakthavatchalam, is not entitled to continue as Additional Director of Tourism. But, this Court is not able to see any merits in the contentions made by the petitioner in the present writ petition.

4. Admittedly, G.O.(Ms.) No.5, Tourism and Culture (T2-1) Department, dated 10.01.2013, was passed three years ago and at paragraph No.3, it is given as hereunder

"The Government after careful consideration accept the proposal of the Principal Secretary / Commissioner of Tourism and accorded sanction to upgrade the existing post of Joint Director of Tourism in the scale of pay of PB3 15600-39100 + G.P.Rs.7,600/- in the Commissionerate of Tourism as Additional Director of Tourism in the scale of pay of PB4 Rs.37400 - 67000 + G.P.Rs.8700, so as to provide promotional opportunity to the existing incumbent in the post of Joint Director of Tourism. The upgraded post shall be downgraded to the level of Joint Director as and when the present incumbent in the post of Joint Director of Tourism retires from service or vacates the post."

5. Without challenging the correctness of the said Government Order, it is not open to the petitioner to question the office of the 3rd respondent to serve as Additional Director

of Tourism in the department of Tourism. Therefore, the writ petition fails and the same is dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.
ars

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu
Tourism, Culture, Religious Endowment Dept.,
Secretariat, St. George Fort,
Chennai - 9

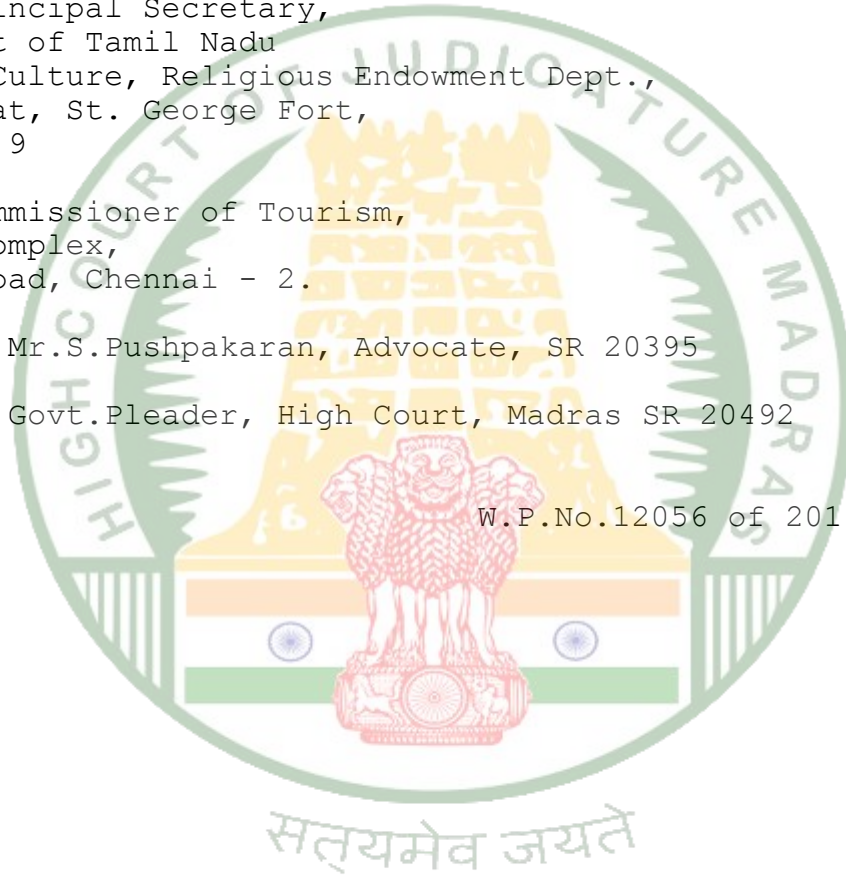
2. The Commissioner of Tourism,
Tourism Complex,
Walajah Road, Chennai - 2.

+ 1 cc to Mr.S.Pushpakaran, Advocate, SR 20395

+ 1 cc to Govt.Pleader, High Court, Madras SR 20492

gj(co)
prk28/4

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