

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.14595 of 2016 and
W.M.P. No.12760 of 2016

1.M.Arul
2.S.Kumar
3.K.Thirumanimuthu
4.D.Sadasivam
5.S.Balasubramanian
6.S.Krishnaveni
7.R.V.Senthil Kumar
8.S.Kalaimany ... Petitioners

-vs-

1.The State of Tamil Nadu
rep. by the Secretary to Government,
Social Welfare Department,
Secretariat, Chennai - 9.
2.The Commissioner of Social Welfare,
Nutritious Meal Programme,
SIDCO Old Building,
Industrial Estate,
Guindy, Chennai - 32. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to promote the petitioners to the post of Assistant at first with effect from the date of promotion given to their juniors with all monetary and service benefits and then consequently to the post of Superintendent except the petitioners 3, 5 and 6 who are all as on date qualified only the promotion to the post of Assistant with effect from the date of promotion given to their juniors with all monetary and service benefits.

For Petitioners : Mr.R.Singaravelu,
Senior Counsel for
Ms.M.Srividhya

For Respondents: Mr.R.Vijayakumar
for R1 & 2 Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioners, seeking a direction to the respondents to promote them to the post of Assistant at first with effect from the date of promotion given to their juniors with all monetary and service benefits and then consequently to the post of Superintendent except petitioners 3, 5 and 6, who are all as on date qualified only the promotion to the post of Assistant with effect from the date of promotion given to their juniors with all monetary and service benefits.

2.Learned counsel appearing for the petitioners would submit that the petitioners after having appointed as Typist (Noon Meal) by direct recruitment, were paid with consolidated pay of Rs.600/- per month. The petitioners 1, 2, 4, 7 and 8 are entitled to be considered for promotion to the post of Superintendent with effect from the date of promotion given to their juniors and petitioners 3, 5 and 6 are entitled to be considered for promotion to the post of Assistant with effect from the date of promotion given to their juniors. As the probation was not declared, the petitioners have filed a writ petition in W.P. (MD) No.13854 of 2015 dated 04.08.2015, wherein this Court has directed the first respondent therein to consider the proposal made by the respective District Collectors. After the said order has been passed by this Court, the petitioners' probation has been declared by an order dated 05.11.2015, passed by the second respondent. He would further submit that the second respondent had now issued an order dated 01.02.2016, promoting 61 candidates to the post of Assistant. Though the petitioners are eligible to get promotion to the said post, their names have not been included and some of the petitioners' juniors were given promotion. In this regard, they made a detailed representation dated 14.03.2016, requesting the respondents to consider them for promotion to the said post. As there was no reply from them, they are before this Court.

3.Heard the learned senior counsel appearing for the petitioners and the learned Additional Government Pleader appearing on behalf of the respondents.

4.Learned Additional Government Pleader appearing on behalf of the respondents sought twelve weeks time to consider the case of the petitioners.

5.As this Court has already considered the case of the petitioners in W.P. (MD) No.13854 of 2015 dated 04.08.2015, with regard to probation of their services, the representation given by the petitioners, deserves to be considered. Accordingly, the respondents are directed to consider the petitioners'

representation dated 15.04.2016 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs. Connected W.M.P is Closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
State of TamilNadu,
Social Welfare Department,
Secretariat, Chennai - 9.
- 2.The Commissioner of Social Welfare,
Nutritious Meal Programme,
SIDCO Old Building,
Industrial Estate,
Guindy, Chennai - 32.

+1cc to the Government Pleader Sr.24980

W.P.No.14595 of 2016

pvs[col]
srg 26/05/2016

सत्यमेव जयते

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