

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15591 of 2016

P.Periasamy

.. Petitioner

-VS-

1. The Principal Secretary to Government
Handlooms, Handicrafts, Textiles
and Khadi Department
Fort St.George, Secretariat
Chennai 600 009
2. The Chief Conservator of Forest/
Director of Sericulture
Nethaji Nagar, Hasthampatti
Salem 636 001
3. The Assistant Director of Sericulture
Foulke's Compound
Anaimeedu
Salem 636 001

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.9715/Pa.Aa.2/2012 dated 26.10.2012 passed by the second respondent, quash the same and further direct the respondents to promote the petitioner to the post of Assistant Inspector of Sericulture with retrospective effect from 15.4.2012 with all consequential attendant benefits.

For Petitioner :: Mr.Babu Rangasamy for
M/s Babu Rangasamy Associates

For Respondents:: Mr.R.Vijayakumar
Additional Government Pleader

ORDER

Mr.P.Periasamy, after retiring from service as Special Grade Junior Inspector of Sericulture with effect from 31.5.2012, has come to this Court with a huge delay of nearly four years,

challenging the impugned proceedings dated 26.10.2012 issued by the second respondent. That order also was passed after rejecting his representation. In support of his submissions to interfere with the impugned order, the learned counsel for the petitioner submitted that although the petitioner retired from service with effect from 31.5.2012, prior to his retirement, he was eligible to be considered to the post of Assistant Inspector of Sericulture. Therefore, his name was shown in Serial No.512 in the promotion list. However, in view of the 52 vacancies that existed for the post of Assistant Inspector of Sericulture, his representation made to the second respondent on 4.5.2012 and followed by a reminder dated 14.5.2012 sent through the Tamil Nadu Sericulture Staff Association and yet another representation dated 18.5.2012 sent through the third respondent were not properly considered and finally the respondents promoted only some of the officers according to their whims and fancies. Hence, after retirement, explaining all the happenings that had taken place in his department, he has given a detailed representation mentioning that he has put in 31 years of service and therefore he should have been considered for promotion to the post of Assistant Inspector of Sericulture. But finally the second respondent has passed the impugned order. After the impugned order was passed, since the petitioner was not keeping well, he was unable to come to this Court. Therefore, the delay could be condoned and the writ petition may be entertained, he pleaded.

2. This Court is not able to see any merit in the said contentions. Firstly, the petitioner has chosen to challenge the impugned order after a period of nearly four years for the reasons best known to him. Secondly, there were only 52 vacancies available in the promotional post of Assistant Inspector of Sericulture and naturally Serial No.512 in the seniority list would not have reached before his retirement on 31.5.2012. Therefore the petitioner, after his retirement, cannot seek for promotion on the basis of his placement in Serial No.512 in the seniority list that was prepared much before his retirement. Hence, the writ petition fails and it is dismissed. Consequently, W.M.P.No.13560 of 2016 is also dismissed. No costs.

ss

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

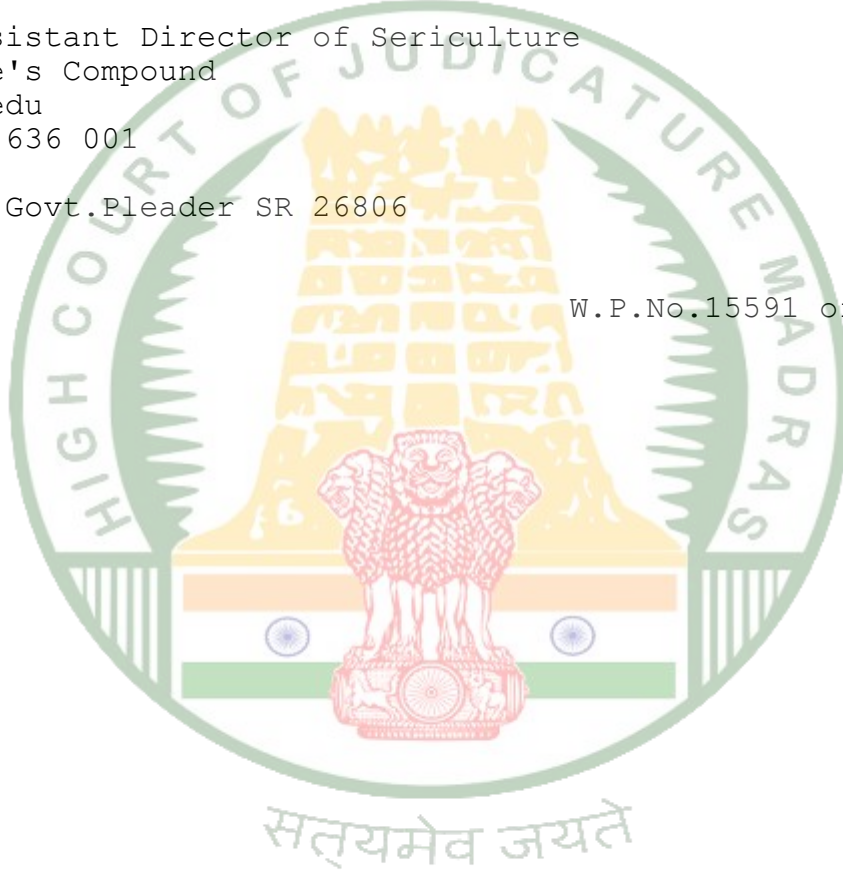
To

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