

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 23105 of 2016

P.Selvarasu

.. Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its Secretary
Animal Husbandry, Dairy Development
and Fisheries Department
Fort St.George
Chennai-600 009.

2.The Commissioner of Fisheries
DMS Compound
Chennai-600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the 2nd respondent to pass appropriate orders based on the proceedings in Na.Ka.No.1722/A1/2015, dated 17.07.2015 of the Deputy Director of Fisheries, Tuticorin, within a time frame to be fixed by this Court and pass further suitable orders.

For Petitioner :Mr.P.Ganesan

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to pass appropriate orders based on the proceedings in Na.Ka.No.1722/A1/2015, dated 17.07.2015 of the Deputy Director of Fisheries, Tuticorin.

3. The petitioner was appointed as Audio Visual Operator in the Fisheries Department, on 04.08.1982. Subsequently, his services were regularized. The petitioner has completed 33 years of service as Audio Visual Operator, without any further promotion. The petitioner has submitted a representation on 15.03.2000, to the 2nd respondent requesting to give him

promotion as Inspector of Fisheries. On the basis of his representation, a report was called for and his claim for such promotion was also recommended by the Zonal Deputy Director of Fisheries, Coimbatore, in his proceedings dated 27.07.2000. On the basis of the same, the 2nd respondent forwarded a proposal to the 1st respondent, on 30.10.2000, indicating that the petitioner had completed S.S.L.C. and he had also underwent the relevant training in the Fisheries Department. Further, in the proposal, the 2nd respondent requested the 1st respondent to relax the Rules 2 and 6 of the Special Rules for Tamil Nadu Fisheries Subordinate Service. However, it was rejected by letter dated 12.04.2001, but, the same was not served on the petitioner. The petitioner again made a representation to the 1st respondent, through the 2nd respondent, on 26.12.2014, to give him promotion. The 1st respondent, by letter, dated 13.01.2015, addressed to the 2nd respondent sought to clarify whether there are any adhoc Rules framed for sanctioning of the post of Audio Visual Operator. The Deputy Director of Fisheries, Tuticorin, sent a report, dated 17.07.2015, to the 2nd respondent/The Commissioner of Fisheries stating that there are two sanctioned post in the Department of Fisheries for accommodating the Audio Visual Operator and that the pay scale for the post of Audio Visual Operator and that of the Inspector of Fisheries are one and the same and therefore, even if promotion given, it will not result in the financial burden to the Government. But, till date there was no response. Hence, the petitioner has filed the present Writ Petition seeking the relief stated supra.

4. Mr.P.Ganesan, the learned counsel for the petitioner, would submit that the petitioner would be satisfied, if the 2nd respondent is directed to consider and dispose of the representation of the petitioner, dated 26.12.2014, on the basis of the recommendation made by the Deputy Director of Fisheries, Tuticorin, to the Commissioner of Fisheries (2nd respondent herein), by report, dated 17.07.2015.

5. Mr.A.Kumar, the learned Special Government Pleader, who takes notice on behalf of the respondents, has got no serious objection in directing the 2nd respondent to consider the representation of the petitioner, dated 26.12.2014 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioners, dated 26.12.2014, and pass appropriate orders, on merits and in accordance with the the recommendation made by the Deputy Director of Fisheries, Tuticorin, to the 2nd respondent, by report, dated 17.07.2015, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Assistant Registrar,

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary
Government of Tamil Nadu
Animal Husbandry, Dairy Development
and Fisheries Department
Fort St.George
Chennai-600 009.

2.The Commissioner of Fisheries
DMS Compound
Chennai-600 006.

+1 C.C. to MR.P.GANESAN, Advocate SR.No.37594

+1 C.C. to Government Pleader SR.NO.37987.

W.P.No. 23105 of 2016

KGK

SM 28/07/2016

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