

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.25051 of 2016

M.Mahendran

.. Petitioner

Versus

The Director of Sericulture
Asthampatty
Nethaji Nagar,
Salem-636007.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 12.06.2016 to consider the petitioner for promotion by including his name in the panel for the post of Inspector of Sericulture in the year 2016.

For petitioner : Ms. N. Kavitha Rameshwar
For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

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

2. This Writ Petition has been filed seeking for a direction to the respondent to pass orders on the petitioner's representation dated 12.06.2016 and to consider him for promotion to the post of Inspector of Sericulture in the year 2016 by including his name in the panel drawn for such promotion.

3. The petitioner joined the services of the Government of Tamil Nadu as a Demonstrator in the Department of Sericulture on 06.11.1982. In the year 1984, the post of Demonstrator was re-designated as Junior Inspector, with effect from 01.10.1984. Since, then the petitioner was working as a junior Inspector in the said Department of Sericulture. It is further stated that the petitioner has been working in the Department of Sericulture for the past 34 years without any promotion. In the year 2009, the petitioner made a request for voluntary transfer to some other department and the same was allowed by the respondent. But, the Assistant Director of Sericulture had overturned the order of the respondent and posted him to a different place.

Challenging the same, the petitioner filed W.P.No.25896 of 2011. This Court by an order dated 15.11.2011 has directed the respondents to consider the request of the petitioner and post him at the Valaja Technical Service Centre (TSC) though his earlier request for transfer to the said center was rejected by the very authority. Thereafter, the petitioner was issued with a Charge Memo dated 19.10.2011. It is further stated that all the charges leveled against the petitioner were baseless. Thereafter, an enquiry was conducted and he was imposed with the punishment of stoppage of increment for one year without cumulative effect by an order dated 07.05.2014. Challenging the same, the petitioner filed W.P.No.16104 of 2014. This Court by an order dated 14.08.2014 quashed the punishment and allowed the Writ petition taking note of the fact that the enquiry/disciplinary proceedings against the petitioner were conducted against all principles of natural justice and law. It is further stated that due to pendency of Rule 17 (b) charges the petitioner had been stagnating in the same post without promotion. Thereafter, the petitioner was promoted to the post of Assistant Inspector of Sericulture by the proceedings of the respondent dated 27.04.2015.

4. The grievance of the petitioner is that his junior one Mr. V. Karupiah was promoted to the post of Assistant Inspector even before the petitioner could be considered for such promotion by the proceedings dated 28.02.2014 itself. In this regard, the petitioner made a representation to the respondent on 12.06.2016 to consider his claim for such promotion to the post of Inspector of Sericulture on par with his junior. However, without considering the same, the respondent by his proceedings dated 28.06.2016 promoted 23 others from the post of Assistant Inspector of Sericulture to the post of Inspector of Sericulture. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

5. The learned Special Government Pleader appearing for the respondent would only submit that the petitioner only seeks for a direction to the respondent to consider his representation dated 12.06.2016 and he has no objection for issuing such direction as prayed for in the writ petition.

6. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the matter, this Court directs the respondent to consider the representation of the petitioner dated 12.06.2016, on merits and in accordance with law, as expeditiously as possible.

7. This Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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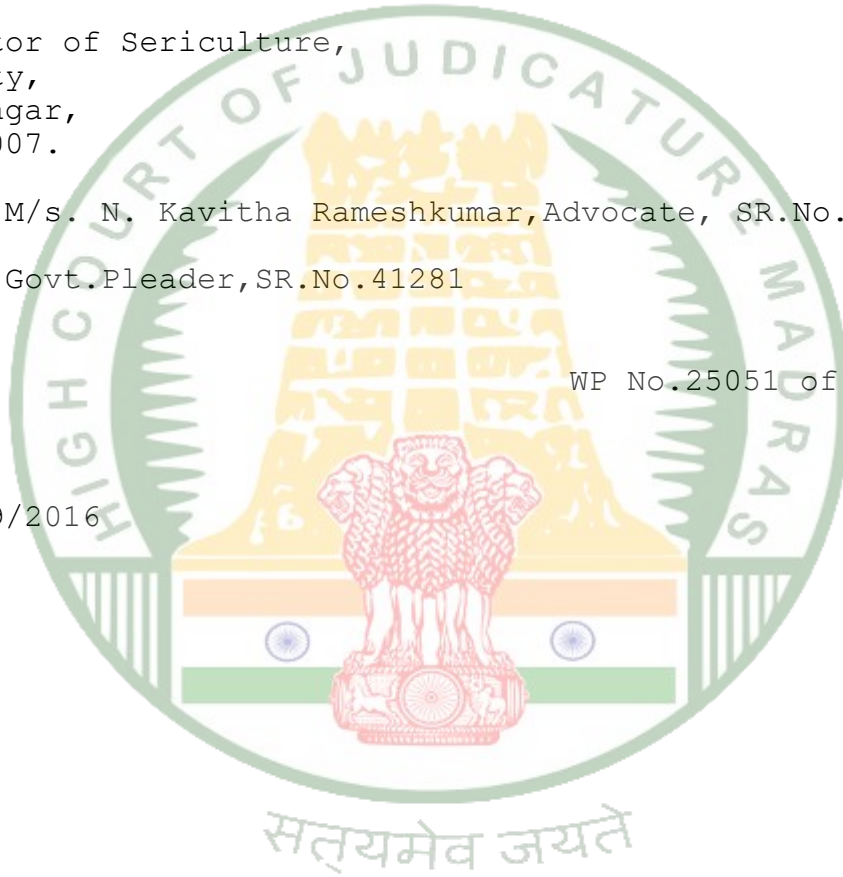
To
The Director of Sericulture,
Asthampatty,
Nethaji Nagar,
Salem-636007.

+ 1 cc to M/s. N. Kavitha Rameshkumar, Advocate, SR.No.41155

+ 1 cc to Govt.Pleader, SR.No.41281

WP No.25051 of 2016

LRS (CO)
MD : 07/09/2016



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