

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR

W.P.No.18443 of 2010

and

M.P.No.1 of 2010

C.Rajamanickam

...Petitioner

Vs.

1. The Commissioner of Sugars,
696 Anna Salai,
Nandanam
Chennai 600 035

2. The Special Officer,
Tirupattur Cooperative Sugar Mills
Kethandapatti
Vellore District

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to accord sanction for the promotion of the petitioner to the post of Office Manager, with all consequential benefits, by considering the petitioner's Revision dated 20.06.2005.

For Petitioner : Mr.G.Rajan

For Respondent-1 : Mr.P.Sanjay Gandhi
Additional Government Pleader

For Respondent-2 : Mrs.G.Thilagavathy

O R D E R

The prayer in the writ petition is for issuance of a mandamus to direct the first respondent to accord sanction for promotion of the petitioner to the post of Office Manager, with all consequential benefits, by considering his Petition, dated

20.06.2005.

2. The facts of the case, which led to the filing of the present Writ Petition are as follows:-

i) The petitioner joined the 2nd respondent-Sugar Mill as a Sales Senior Clerk in the year 1979. Thereafter, he got promoted as Godown Keeper on 24.07.1984. Subsequently, in the year 1993, when a panel was prepared for promotion to the post of Office Manager, the petitioner's name was left out to be included/considered. Aggrieved by the same, the petitioner submitted a representation to the first respondent, dated 29.07.2004. Since the said representation evoked no response, the petitioner was constrained to approach this Court, by filing a Writ Petition, in W.P.No.12746 of 2005, and the said Writ Petition was disposed of by this Court, by directing the first respondent to pass orders on the said representation. In pursuance thereof, the first respondent passed an order, dated 09.06.2005, stating that since the petitioner does not possess requisite qualification, his name has not been included in the panel prepared for promotion. Aggrieved by the decision taken by the first respondent, in his proceedings, dated 09.06.2005, the petitioner again made a Representation, dated 20.06.2005, for revision of the decision taken thereunder, which was forwarded by the second respondent to the the first respondent for consideration, vide communication, dated 21.06.2005. Pursuant thereto, the first respondent has called for remarks from the second respondent, which was also furnished by the second respondent. However, as on date, no action has been taken by the first respondent. Hence, this present Writ Petition.

3. Heard both sides.

4. Learned counsel appearing for the second respondent by reiterating the reasons assigned in the counter affidavit, would submit that the petitioner is not entitled for promotion to the post of Office Manager, as he does not possess the required qualification/experience, prescribed for the said post, that apart, the petitioner has also crossed the age limit.

5. In the light of the above facts and circumstances of the case, and considering the relief sought for in this Writ Petition, which is an innocuous relief, this Court is of the view that it would be appropriate to direct the first respondent to pass orders on the petitioner's Revision, dated 20.06.2005. Accordingly, this Writ Petition is disposed of by directing the first respondent to pass orders on the petitioner's Revision, dated 20.06.2005, on merits and in accordance with law, after getting the views from the second respondent. The first

respondent is directed to do the needful in regard to the petitioner's case within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Commissioner of Sugars,
696 Anna Salai, Nandanam
Chennai 600 035
2. The Special Officer,
Tirupattur Cooperative Sugar Mills
Kethandapatti, Vellore District

+1cc to Mr.G. Rajan, Advocate, S.R.No.60045

+1cc to Mr.G. Thilakavathy, Advocate, S.R.No.60656

gr(CO)
md(29/11/2016)

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