

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32051 of 2016

M.Durai

... Petitioner

vs.

1.Tamil Nadu Civil Supplies Corporation Ltd.,
rep. by its Managing Director,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

3. The Manger (Administration) I,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

.... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 29.08.2016 and pass orders thereon in accordance with law.

For Petitioner : Mr.Ilanthiraiyan
for M/s.Sai Bharath and Illan

For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition seeking for the issuance of a writ of Mandamus, directing the 1st respondent to consider his representation dated 29.08.2016 and pass orders thereon in accordance with law.

2. The case of the petitioner is as follows:

(i) The petitioner was originally promoted to the post of Superintendent in the year 2009 from the post of Assistant by virtue of his qualification and seniority. The said post in the

respondent Corporation is to be filled up by way of promotion from among Assistant with 4 years of regular service in the grade. It is pertinent to state that up to the post of Assistant, it is only regionwise seniority and only from the post of Assistant, a Statewise seniority is followed by the respondents.

(ii) While so, when the panel for promotion to the post of Superintendent was drawn up in the year 2009, there were more vacancies available than the number of eligible Assistants and the petitioner was an eligible Assistant to be promoted as Superintendent. But, for want of qualified persons, the respondent Corporation relaxed the requirement of regular service for the grade. Apart from this, under the normal rule, any person, who had forfeited the promotion in the previous years, will not be eligible to reclaim promotion for the period of three years. As such, after considering all the persons, a panel was formed and promotions were made.

(iii) However, while drawing the panel for the post of Assistant Manager for the year 2013, by an order dated 28.01.2014, the name of the petitioner and few others, who were similarly placed that of the petitioner with full eligibility criteria did not find place whereas the names of 33 persons who were promoted by adopting the relaxed standards were included in the said panel. Therefore, the petitioner along with 4 others filed a Writ Petition in W.P.No.12419 of 2014 challenging the said panel and promotion of the said 33 persons and the said writ petition is pending before this Court.

(iv) In the meanwhile, the petitioner was promoted as Assistant Manager w.e.f. 26.11.2014. The next avenue of promotion is Deputy Manager and the said post is to be filled up by way of promotion from the post of Assistant Manager. In this context, the 1st respondent, without even resolving the earlier disputes and without even issuing the final seniority list of Superintendents, started collecting particulars and mooted the proposal of forming the promotion panel for the post of Deputy Manager. In this regard, a detailed representation was sent to the Chief Minister's Cell and the 3rd respondent had made a reply dated 15.03.2016 through the Special Officer of the Chief Minister's Cell that their claim is accepted and the same would be duly considered by the Board in accordance with the rules in force. Since the same has not been considered, the petitioner once again made a detailed representation on 29.08.2016. However, without considering the same, the respondents are now proceeding with the formation of the panel for Deputy Manager. Hence, the present Writ Petition.

3. Heard both sides.

4. Considering the limited prayer made in the Writ Petition, without expressing any opinion about the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 29.08.2016 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

6. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.
- 2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.
3. The Manger (Administration) I,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

+1cc to M/s. Sai Bharath and Illan, Advocate, S.R.No.52688

+1cc to Mr.L.P. Shanmughasundaram, Advocate, S.R.No.53064

VSN(CO)
EU(28/09/2016)

W.P.No.32051 of 2016