

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35647 of 2016

P.Ravindran

... Petitioner

vs.

1. The Chairman,
Chennai Port Trust,
Chennai - 600 001.

2. The Secretary,
General Administration Department,
Chennai Port Trust No.1, Rajaji Salai,
chennai - 600 001.

3. The Deputy Secretary (PHRD),
Ministry of Shipping,
Government of India,
New Delhi - 110 001

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to dispose of the petitioner's application dated 18.04.2015 submitted for the post of Traffic Manager in response to the advertisement by selection on composite method.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.M.Palani Muthu.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, directing the respondents to dispose of the petitioner's application dated 18.04.2015 submitted for the post of Traffic Manager

in response to the advertisement by selection on composite method.

3. It is the case of the petitioner that the petitioner is working as Chief Mechanical Engineer at V.O.C. Port Trust, Tuticorin. In Chennai Port Trust, consequent to the promotion of one Sri.Vaiyapuri, Traffic Manager as Deputy Chairman of Paradip Port, the post of Traffic Manager has fallen vacant. It is a selection post and as per the regulations, the mode of selection is, by absorption through composite method of recruitment i.e. through promotion/ transfer/ deputation or absorption will be from the officers from Major Port Trusts.

4. As per the Chennai Port Trust Employees' (Recruitment, seniority and promotion) regulations, 2008 and under Definitions clause 3(b) "Analogous post" means a post of which the duties and level of responsibilities and the pay ranges are comparable to those of the post to which selection is to be made.

5. As per the RSP Regulations 2008 definitions Chief Mechanical Engineer is analogous to Traffic Manager. In Chennai Port the first vacancy notification was issued on 24.03.2015 and applications were invited as per the notified RR with a last date of receipt as 08.05.2015. The petitioner has submitted his application through proper channel on 18.04.2015 to the first respondent. But, instead of processing and forwarding the application to the third respondent, who is the authority for selection of HOD level posts, Chennai Port Administration, had not considered his application since in their interpretation, Chief Mechanical Engineer is not the analogous post for Traffic Manager.

6. Again the second vacancy notification was issued on 04.06.2015 stating that for the earlier notification, applications of the eligible officers were not received within the due date and that time also he had applied within the due date and it was forwarded by VOCPT on 13.07.2015. But his application was kept in abeyance. Since no applications other than the petitioner was received in time, Chennai Port has now issued the vacancy notification for filling the post under Direct Recruitment.

7. The petitioner, who is working as Chief Mechanical Engineer, is fully eligible for Traffic Manager

under analogous post. The eligibility clearly says that for absorption through composite method, officers holding analogous posts or post of Traffic Manager in Category II Ports with 2 years regular service. The petitioner has completed more than 3 years as CME in VOCPT and the Educational qualification required for the post is only A degree from a recognised university, where as the petitioner is a B.E., M.B.A., M.C.A. Degree holder with P.G. Diploma in Personnel Management and Industrial Relations.

8. Under such circumstances, the petitioner made a representation dated 08.02.2016 to the 3rd respondent asking for the above said relief which was sent through proper channel through his office, but the 3rd respondent has not replied for his representation. Now the fresh notification calling for the eligible candidates for the post of Traffic Manager (HOD level post) under Direct Recruitment was issued, in a total violation of principle of Natural justice. Hence, the petitioner has come forward with the present petition.

9. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

10. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the first respondent to dispose of the application of the petitioner dated 18.04.2015 submitted for the post of Traffic Manager in response to the advertisement by selection on composite method and pass appropriate orders on merits and in accordance with law, within a period of eight weeks 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 claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law.

11. With the above direction, this petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Chairman,
Chennai Port Trust,
Chennai - 600 001.
2. The Secretary,
General Administration Department,
Chennai Port Trust No.1, Rajaji Salai,
chennai - 600 001.
3. The Deputy Secretary (PHRD),
Ministry of Shipping,
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New Delhi - 110 001

1 cc to Mr.R.Sreedhar, Advocate, Sr. 57817

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