

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35940 of 2016

S.Elangovan

.. Petitioner

Vs.

The Director,
Department of Social Defence,
Purasawalkam High Road,
Chennai-600 010.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioner's representation, dated 08.09.2016.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.S.N.Parthasarathi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioner's representation, dated 08.09.2016.

2. It is the case of the petitioner that he joined in the Social Defence Department as Junior Assistant on 17.03.1986, promoted as Assistant on 31.03.1993 and thereafter promoted to the post of Manager in 2005, in which post, he is continuing till date. It is his further case that the Manager and the Office Superintendent carries the identical time scale of pay and in the seniority list published as on 01.01.2015 in respect of the posts of Office Superintendent/Office Manager/Chief Store Keeper, the petitioner is the second person in the list and one S.Athesan, who was the first person in the said list, retired on 30.04.2015, and as such, it is the claim of the petitioner that he is eligible for promotion to the post of Personal Assistant to the Director. It is stated by the petitioner that without considering the petitioner's claim, a person who was deputed from Industry Side, is occupying the said post of Personal Assistant to the Director. In view of the petitioner's unblemished service, he seeks necessary relief for consideration. Further, it is the case of the petitioner that on

02.03.2016, he was transferred from Thattapparai Government Children Home to Chennai, by proceedings in No.2260/A1/2016 and as such, he joined in Chennai on 10.03.2016. Subsequently, by proceedings dated 14.03.2016, the petitioner was directed to take charge of the post of Office Superintendent from the person who was in cadre of Junior Assistant (V.Selvakumar). Thereafter, by proceedings dated 21.07.2016 in No.6375/A1/2016, he was transferred from Chennai to Villupuram, within the short period of his earlier transfer from Thattapparai to Chennai and he joined at Villupuram. However, with regard to his transfer from Chennai to Villupuram, he filed Writ Petition No.27133 of 2016, which is stated to be pending before this Court. It is his grievance of the petitioner that so far, there is no progress in the process of promotion to the post of Personal Assistant to the Director. The petitioner claims to be the senior-most Superintendent in the Directorate to be promoted as Personal Assistant to the Director. In this regard, he gave a representation, dated 08.09.2016 to the respondents, and as there is no response, he has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer made in the Writ Petition and also taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondent to consider the said representation of the petitioner, dated 08.09.2016, conduct enquiry, afford an opportunity of personal hearing to the petitioner and other parties, if any, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondent to decide the same at the time of disposing of the said representation.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

Copy to

The Director,
Department of Social Defence,
Purasawalkam High Road,
Chennai-600 010.

+ 1 cc to Government Pleader Sr.58605, 60973

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NR(CO)
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