

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37058 of 2016

and W.M.P.No.31858 of 2016

1.S.Ramamoorthy

2.T.Jothibasu

3.S.Ramkumar

4.Ravi

5.E.Thirunavukarasu

... Petitioners

Vs

1.The Principal Secretary & Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-6, Tamil Nadu

2.Additional Chief Secretary to Government,
Planning Development and Special
Initiatives (St.3) Department,
Government of Tamil Nadu
... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioners' representations dated 22.9.2016, 23.9.2016, 26.9.2016, and pass necessary orders promoting them as Statistical Inspector in Statistical Department, after getting necessary relaxation in the existing service Rule.

For Petitioners : Mr.P.R.Thiruneelakandan
For Respondents : Mr.R.Venkatesh,
Govt. Advocate.

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to consider their representations dated 22.9.2016, 23.9.2016, 26.9.2016, and pass necessary orders promoting them as Statistical Inspector in Statistical Department, after getting necessary relaxation in the existing service Rule.

3. Though very many contentions have been raised in the affidavit filed in support of the petition, the only submission made by the learned counsel appearing for the petitioners is that as per G.O.Nos.870/1985 and 869/1985 dated 11.9.1985, which were confirmed by the Hon'ble Supreme Court in Civil Appeal Nos.1599 and 1600 of 1993, the Assistants are entitled for appointment to the post of Statistical Inspectors on par with the Assistant Statistical Inspectors at the ratio of 2:8. However, all of a sudden, the second respondent issued G.O. (Ms) No.8 dated 31.1.2013 to do away the selection of Assistants for appointment to the post of Statistical Inspectors. Further, the respondents took a policy decision to relax the rules as far as the persons, who were appointed in the Statistical Department much prior to G.O.Ms.No.8 dated 31.1.2013 to promote them as Statistical Inspector. Though the petitioners filed a writ petition before this Court in W.P.No.27537 of 2014 challenging the said GO, now, the petitioners sent individual representations dated 22.9.2016, 23.9.2016 and 26.9.2016 to the respondents requesting them to obtain necessary relaxation in the existing rule from the Government and give them promotion to the post of Statistical Inspector as they did in the case of Assistant Statistical Investigator, Junior Assistant, who were appointed much prior to G.O.Ms.No.8 dated 31.1.2013. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without

going into the merits of the claim projected by the petitioners, this Court directs the second respondent to consider the representations of the petitioners dated 22.9.2016, 23.9.2016 and 26.9.2016 seeking promotion as Statistical Inspector in Statistical Department, after getting necessary relaxation in the existing service Rule, 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Principal Secretary & Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-6, Tamil Nadu
- 2.Additional Chief Secretary to Government,
Planning Development and Special
Initiatives (St.3) Department,
Government of Tamil Nadu, Chennai

+1cc to Mr. P.R. Thiruneelukandan, Advocate, S.R.No.60408
+1cc to the Government Pleader, S.R.No.60972

pvs (CO)
md (11/11/2016)

W.P.No.37058 of 2016