

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08/11/2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38884 of 2016 and

WMP.No.33318 of 2016

S.Hemalatha

... Petitioner

vs.

1.The Commissioner of Sugars,
EVR Periyar Building,
Nandanam,
Chennai-35.

2.The Managing Director,
Kallakurichi Co-operative Sugar Mills
Limited Unit-I,
Moongilthuraipattu,
Villupuram District-605 702.

3.V.Nithya

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 not to extend further period of deputation of the 3rd respondent as Accounts Clerk, Clerical-III in 2nd respondent Sugar Mill from Ambur Co-operative Sugar Mills Limited and consequently to give effect the Board Resolution No.4 of the 2nd respondent dated 06.08.2016.

For Petitioner : Mr.S.Udayakumar

For 1st Respondent : Mr.L.P.Shanmughasundaram
Spl.Govt. Pleader

For 2nd respondent : Mr.R.Bala Ganesh,
Additional Govt. Pleader

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 2 not to extend

further period of deputation of the 3rd respondent as Accounts Clerk, Clerical-III in 2nd respondent Sugar Mill from Ambur Co-operative Sugar Mills Limited and consequently to give effect the Board Resolution No.4 of the 2nd respondent dated 06.08.2016.

3. According to the case of the petitioner, she has passed B.Com. in the year 2007 and M.Com. in the year 2014 and obtained Diploma in Co-operative Management in 2015. After completion of B.Com. Degree, she had registered with the District Employment Office, Villupuram seeking employment in Government Service. Accordingly, through Employment Exchange, she was selected for the post of Junior Assistant (Seasonal) and appointed in the 2nd respondent Mill by proceedings dated 28.10.2010 in the time scale of pay of Rs.3650-50-4150-55-4700-60-6200 in the Clerical Grade IV. Thereafter, by proceedings dated 04.10.2013, her service has also been regularised by the 2nd respondent and accordingly, by proceedings dated 13.02.2016, she was sanctioned an annual increment of Rs.80/- in the time scale of pay of Rs.6950-75-7700-80-8500-85-10625 w.e.f.12.02.2016. Now, the petitioner is working in Accounts Department.

4. Further, according to the petitioner, the 2nd respondent is taking steps to appoint Accounts Clerk, Clerical-III and in this connection, the Board Resolution dated 06.08.2016 was made and the 1st respondent has been intimated to fill up the posts through Employment Exchange from existing persons who are already working in the Accounts Department.

5. It is also the case of the petitioner that in the Accounts Section, including the petitioner, there are 3 Junior Assistants (Regular) and out of them, the petitioner alone is fully qualified to work in the Accounts Department having all requisite qualifications. But the 2nd respondent Mill has appointed the 3rd respondent on deputation from other Mill as Accounts Clerk, Clerical-III without considering the case of the petitioner. In this connection, the petitioner has made several representations to the Management to appoint her as Accounts Clerk, Clerical-III in the 2nd Respondent Mill. But no action has been taken on the same. Hence, the present Writ Petition.

6. Learned Counsel for the petitioner would contend that though larger prayer has been sought for in the Writ Petition, the petitioner would be satisfied, if her representations dated 14.10.2016 and 21.10.2016 may be ordered to be considered by the respondents 1 and 2 within a time stipulated by this Court.

7. Heard the learned Special Government Pleader, who has taken notice for the 1st respondent and the learned Additional Government Pleader, who has taken notice on behalf of the 2nd respondent.

8. In view of the submission now made by the learned Counsel for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the respondents 1 and 2 to consider the representations of the petitioner dated 14.10.2016 and 21.10.2016 and pass appropriate orders on the same on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this Order.

9. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Sugars,
EVR Periyar Building,
Nandanam,
Chennai-35.

2.The Managing Director,
Kallakurichi Co-operative Sugar Mills
Limited Unit-I,
Moongilthuraipattu,
Villupuram District-605 702.

1 CC TO Mr.S.Udayakumar, Advocate, sr. 64234

सत्यमेव जयते

W.P.No.38884 of 2016

MV (CO)
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