



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18767 of 2016

P.Ramachandran

... Petitioner

vs.

- 1) The Government of Tamil Nadu,
Rep. by its Secretary to Home Department,
Fort St.George,
Chennai-600 009.
- 2) The Commissioner,
Welfare of Differently Abled Persons Departments,
Jawaharlal Nehru inner round Road,
K.K.Nagar, Chennai-78.
- 3) The Executive Officer,
Government Rehabilitation Home,
Pudukottai,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularise the service seniority and give the notional promotion with monetary benefits equal to the post of Head warder to the petitioner on the basis of the petitioner's representation dated 10.02.2016.

For Petitioner : Mr.A.Rajaram
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

The petitioner was appointed as a Warder on 25.02.1977 in Government Rehabilitation Home at Paranur, Chengalpattu, which was under the control of the Medical Department; during 1984, the Government Rehabilitation Home came under the control of the Prison Department due to administrative reasons; the petitioner was working as Warder from the year 1984 to 1997, during which time, some of his colleagues were promoted as Head Warder; in that promotion panel list, the petitioner's name was also included; he was placed at Serial No.9 in the said panel list; according to the petitioner, persons in Serial Nos.1 to 8 were promoted as Head Warders and his name alone was left out; till his retirement, he could not get promotion as Head Warder because of merger; he retired only as Warder; hence, the petitioner made a representation dated 10.02.2016 to the 2nd



respondent, to revise and regularise his service seniority and give him notional promotion with monetary benefits equal to the post of Head Warder; that representation was not properly responded and therefore, the petitioner has filed this writ petition, seeking a direction to the respondents 2 and 3 to revise and regularise his service seniority and to give him notional promotion with monetary benefits equal to the post of Head warder, on the basis of his representation dated 10.02.2016.

2.Though the learned counsel for the petitioner has contended that the petitioner is senior in ranking and because of the merger between various departments, he had become scapegoat and he was not able to get promotion in time, it is the factual aspect to be verified by the respondents.

3.Under such circumstances, without expressing any opinion on the merits of the matter, the respondents are directed to consider the petitioner's representation dated 10.02.2016 in the light of the averments made therein, and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.S. I)

/True Copy/

Sub Assistant Registrar

To

1)The Secretary to Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2)The Commissioner,
Welfare of Differently Abled Persons Departments,
Jawaharlal Nehru inner round Road,
K.K.Nagar, Chennai-78.

3)The Executive Officer,
Government Rehabilitation Home,
Pudukottai, Pudukottai District.

+1 cc to Spl.Govt. Pleader in SR No.57917

+1 cc to Mr.A.Rajaram, Advocate in SR No.58202

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