



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22941 of 2016

J.Johnrose : Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai, Kanyakumari District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders promoting petitioner as driver from the post of Office Assistant with effect from 24.04.2001 in the light of the proceedings of the first respondent in Na.Ka.No.12576/W.17 W.15/2000 dated 24.04.2001 by considering the representation of the petitioner dated 02.11.2015 and to grant all other monitory benefits.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pass orders, promoting the petitioner as driver from the post of Office Assistant with effect from 24.04.2001 in the light of the proceedings of the first respondent dated 24.04.2001, by considering the representation of the petitioner dated 02.11.2015 and to grant all other monitory benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3. The brief facts leading to the filing of this writ petition are as follows:

The petitioner was appointed as Night Watchman with effect from 11.11.1983, at Government High School, Vathiar Konam. His services were regularized on 18.06.1984. Thereafter, he was promoted as Office Assistant with effect from 31.05.1998.

3.1. The first respondent has issued proceedings on 24.04.2001, stating that the vacancies of the post of driver would be filled up by promoting the eligible Office Assistants working in the Department. The third respondent posted the petitioner as driver in the place of one Mr.S.Thangamani during various periods in the year 1999.

3.2. Thereafter, the third respondent by the proceedings dated 03.10.2008, promoted him as driver with effect from 06.10.2008.

3.3. It is the grievance of the petitioner that the criteria for commencement of promotion must be the functional service effected in the capacity as driver and it cannot be from the mere passing of paper order for promotion. In other words, it is his claim that, his promotional service must be counted from the year 2001, from when he is functioning as Driver and not from the actual date of promotion. So claiming, a representation dated 02.05.2011 has been sent. As this representation is not considered, this writ petition has been filed.

4. The learned Additional Government Pleader would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to pass appropriate orders within a period of twelve weeks.

5. Recording the submission made by the learned Additional Government Pleader for the respondents, the first respondent is directed to consider the representation of the petitioner dated 02.05.2011, in the light of the proceedings dated 24.04.2001 and to pass orders on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order.

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

Sd/-

Deputy Registrar (Admn)

/TRUE COPY/

Sub Assistant Registrar



smn
To

1.The Director of School Education,
College Road, Chennai.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.74246

+1CC to Spl.Government Pleader Sr.No.78108

GJM/GSV/PM/5.1.17-3p-6c

ORDER MADE IN
W.P(MD)No.22941 of 2016
30.11.2016