

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5182 of 2017

N.Ezhiliraiyan

..Petitioner

Vs

1. The Principal Secretary & Agricultural
Production Commissioner,
Department of agriculture,
Fort st.george,
Chennai - 600 009..
2. The Director/ Commissioner,
Department of Agricultural Marketing &
Agri Business, Guindy,
Chennai - 600 032.
3. The Secretary,
Kancheeuram Market Committee,
Kancheeuram - 631 502.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to give posting order to the petitioner as Superintendent as per the panel 2012-2013 with retrospective consequential benefits prior to the preparation and consideration of consecutive Superintendent Panels.

For Petitioner : Mr.V.Manoharan

For Respondents: Mr.P.Senthilvel,
Government Advocate for R1 and R2
Mr.P.S.Shiva Shanmugasundaram
Special Government Pleader for R3

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of 1st and 2nd respondents and

Mr.P.S.Shiva Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of 3rd respondent.

2. The petitioner would aver among other things that at present, he is working as Supervisor in Redhills Regulated Market under the 1st respondent and the 2nd respondent is preparing State wide seniority list for the post of Superintendent/ Supervisor/ Junior Assistant for the purpose of effecting promotion vide proceedings dated 26.04.2013 in Roc.No.MOE1/16695/2012 and despite, he possesses the prescribed qualification, the promotion to the post of Superintendent have not been given. In this regard, the petitioner, has submitted a representation dated 12.09.2013, 11.11.2013, 03.05.2014, 29.06.2016 and 27.07.2016 to the respondents and despite receipt and acknowledgment, no orders have been passed. Hence, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that though the petitioner has suffered punishment of postponement of one increment without cumulative effect and it is also put to challenge in W.P.No.29586/2013, it cannot be cited as an impediment for according promotion as the period of punishment has already been over and prays for appropriate orders.

4. This Court heard the submission of Mr.P.Senthilvel, learned Government Advocate appearing for the 1st and 2nd respondents and Mr.P.S.Shiva Shanmugasundaram, learned Special Government Pleader appearing for the 3rd respondent.

5. Learned counsel Government Advocate appearing for the 1st and 2nd respondents would submit that in the light of the pendency of the writ petition, the claim made by the petitioner might not have been considered.

6. This Court has considered the rival submissions.

7. Though the petitioner prays for a large relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 29.06.2016 and 27.07.2016 on merits and in accordance with law and pass orders

within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary & Agricultural
Production Commissioner,
Department of agriculture,
Fort st.george,
Chennai - 600 009..
2. The Director/ Commissioner,
Department of Agricultural Marketing &
Agri Business, Guindy,
Chennai - 600 032.
3. The Secretary,
Kancheeuram Market Committee,
Kancheeuram - 631 502.

+1cc to Mr.Manoharan, Advocate, S.R.No.13498
+1cc to the Government Pleader, S.R.No.13558

RSY(CO)
RS(20/03/2017)

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