

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.4559 and 4560 of 2017

and

W.M.P.Nos.4773 and 4774 of 2017

G.Kumaravel ..Petitioner in W.P.No.4559/2017

P.Sakthivel ..Petitioner in W.P.No.4560/2017

Vs

1. The Commissioner of Sugar,
Anna Salai,
Chennai - 600 035.

2. M/s.Subramania Siva Cooperative Sugar Mills,
Gopalapuram Village,
Alapuram Post,
Pappireddipatti Taluk,
Dharmapuri District 636 904. ..Respondents in both the
W.Ps.

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioners dated 25.01.2017 and to promote the petitioners to the post of Cane Development Assistant in accordance with the Circular No.33344/C3/37 dated 04.11.1987 on the file of the 1st respondent.

For Petitioners : Mr.G.Rajan
For Respondents : Mr.R.Bala Ramesh
for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co.op.) for R2

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and a common order is passed as the issue to be adjudicated is one and the same.

2. The petitioner in W.P.No.4559/2017 would submit that he had completed S.S.L.C. in the year 1985 and also completed Diploma Course of 2 years duration given by Sri Ramakrishna Mission Vidyalaya, Perianaickenpalayam and appointed as Cane Assistant in the service of the 2nd respondent on 17.04.1994. The petitioner would further submit that as per the circular of the 1st respondent dated 08.04.1998 the post of Cane Development Assistant is declared to be a promotional post and feeder category for the said post is Cane Assistant and the qualification prescribed that the candidate should have passed S.S.L.C and also should have two years Diploma Course. According to the petitioner he possesses the prescribed qualification and as such, he is eligible to be promoted to the post of Cane Development Assistant. In this regard, he has also submitted a representation dated 25.01.2017. Since his genuine claim has not been considered, he came forward to file the writ petition.

3. The petitioner in W.P.No.4560/2017 would submit that he had completed S.S.L.C. in the year 1980 and also completed Diploma Course of 2 years duration given by Tamilnadu Institute of Agricultural and Rual development, Tamilur, Adaikalapattinam post, Nellai Kattabomman District and appointed as Cane Assistant in the service of the 2nd respondent on 17.02.1994. The petitioner would further submit that as per the circular of the 1st respondent dated 08.04.1998, the post of Cane Development Assistant is declared to be a promotional post and feeder category for the said post is Cane Assistant and the qualification prescribed that the candidate should have passed S.S.L.C and also should have two years Diploma Course. According to the petitioner, he possesses the prescribed qualification and as such, he is eligible to be promoted to the post of Cane Development Assistant. In this regard, he has also submitted a representation dated 25.01.2017. Since his genuine claim has not been considered, he came forward to file the writ petition.

4. Heard the submissions of the learned counsel for the petitioners and R.Bala Ramesh, learned Standing Counsel appearing for the first respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the second respondent.

5. Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 1st respondent to consider and dispose of the petitioners representation dated 25.01.2017, on merits and in accordance with law, after putting the concerned persons on notice, and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as the persons concerned. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner of Sugar,
Anna Salai,
Chennai - 600 035.

+2cc to Mr.G. Rajan, Advocate, S.R.No.11770

+1cc to Mr.R. Bala Ramesh, Advocate, S.R.No.11960

+1cc to the Government Pleader, S.R.No.12174

rsy(CO)
md(08/03/2017)

W.P.Nos.4559 and 4560 of 2017

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