

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 05.09.2017

Delivered on : 19.09.2017

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THE HONOURABLE THIRU JUSTICE **V. PARTHIBAN**

W.P.No.15088 of 2011 &
M.P.Nos.1 & 2 of 2011

A.Jayaprakash

.. Petitioner

Versus

1. Indian Maritime University,
Chennai Campus,
Rep. by its Registrar,
East Coast Road,
Uthandi, Chennai-600 110.

2. The Vice Chancellor,
Indian Maritime University,
Chennai Campus,
East Coast Road,
Uthandi, Chennai-600 110.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Certiorarified Mandamus, to call for the records relating to the order bearing Ref.No.NMA/Adm/12/Gladm/043/08 dated 01.07.2000 issued by the first respondent, quash the same as being illegal, arbitrary and mala fide and for a consequential direction to the

respondents to create a avenue of promotion for an Electrician by implementing the recommendation of the subcommittee dated 22.8.1989 by creating a post of Technical Supervisor in the scale of Rs.965-1679 (pre-revised scale as per as Chennai Port Trust wage board settlement) and to promote the petitioner to the said post with effect from 28.4.1990.

For Petitioner : Mr.M.Govarthan for
M/s.Row and Reddy

For Respondents : Mr.K.R.Tamizh Mani for R1

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue Certiorarified Mandamus, to call for the records relating to the order bearing Ref.No.NMA/Adm/12/ Gladm/043/08 dated 01.07.2000 issued by the first respondent, quash the same as being illegal, arbitrary and mala fide and for a consequential direction to the respondents to create a avenue of promotion for an Electrician by implementing the recommendation of the subcommittee

dated 22.8.1989 by creating a post of Technical Supervisor in the scale of Rs.965-1679 (pre-revised scale as per as Chennai Port Trust wage board settlement) and to promote the petitioner to the said post with effect from 28.4.1990."

3. The petitioner was originally recruited as Electrical Supervisor in the National Institute Port Management (in short, 'NIPM') in 1989. In 2006, the name of NIPM was changed as National Maritime Academy (NMA) and in 2008, the Indian Maritime University Act was passed by the Parliament. Subsequent to his appointment in 1989, the petitioner was brought in regular pay scale in 1990. The petitioner has been in-charge of Sub Station of the respondent University and has been handling breakdown and maintenance activities as he being the only qualified Electrician in the University. According to him, since his appointment in 1989, he has been languishing in the said post without any avenue of promotion for the last 19 years. According to the petitioner, he only got scale replacement as per the Central Government Assured Career Progression Scheme (ACP).

In the above circumstances, the petitioner has been making several representations to the respondents for providing proper avenue of promotion. According to the petitioner, earlier when NIPM was in place, a Sub Committee was formed for creation of additional posts. The Sub Committee had found that maintenance activities of the respondent University had increased manifold and for carrying out the activities of the posts of Plumber, Mechanic and Electrician, they hardly found sufficient man-power in handling frequent break down and handling number of power plants. Therefore, there was a proposal to create a technical Supervisor and a recommendation was also accepted by the respondent University. However, after acceptance, nothing had happened thereafter.

4. While matters stood thus, the petitioner's representation came to be rejected on 1.7.2008 only on the ground there was no higher post was available. The said rejection order was put to challenge in the writ petition.

5. When the matter was taken up for hearing, the learned counsel appearing for the parties reiterated their submissions on the basis of the pleadings.

6. This Court while considering the plea of the petitioner, is of the view that a comprehensive representation is required to be addressed to the first respondent/University for consideration of his grievance in the matter of creating avenue of promotion to the post of Electrician and such representation is required to be considered by the first respondent/University by taking into account the absence of avenue of promotion for the petitioner, who has been languishing in the same position since 1989.

7. In the above circumstances, this Writ Petition is disposed of with the following directions:

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- a) The petitioner is directed to submit a detailed and comprehensive representation to the respondents within a period of one week from the date of receipt of a copy of this order.

- b) On receipt of the representation of the petitioner, the respondents are directed to consider the same and pass a detailed order by taking into account all the relevant materials and fact particularly, with reference to the status of the petitioner who has been languishing in the present position from 1989 onwards and also with reference to the recommendations made by the Sub Committee appointed by the earlier NIPM Management which was also accepted by the first respondent University and such orders has to be passed within a period of three months from the date of receipt of the representation of the petitioner.
- c) In view of the direction passed above, the impugned rejection order passed by the respondents is set aside.
- d) No costs. Consequently, connected MP is closed.

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19.09.2017

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To

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V.PARTHIBAN, J.

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Pre delivery order in
W.P.No.15088 of 2011

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