

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2257 of 2017 &

W.M.P.No.2229 of 2017

D.Vijayan

... Petitioner

Vs

- 1 The Managing Director
Tamil Nadu Civil Supplies Corporation
Head Office
Thambusamy Road, Kilpauk
Chennai- 600010
- 2 The General Manager (Administration)
Tamil Nadu Civil Supplies Corporation
Head Office, Thampusamy Road
Kilapauk, Chennai-600010
- 3 The Regional Manager
Tamil Nadu Civil Supplies Corporation
Kanchipuram Region, Vandavasi Road
Kanchipuram, Kanchipuram District
- 4 The Manager (Engineering)
Modern Rice Mill
Tamil Nadu Civil Supplies Corporation
Thimmavaram
Kanchipuram High Road
Kanchipuram District

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd Respondent in connection with the Proceedings No. Se.Mu. Order No.A.E. 15/79322/ 2014, dated 29.10.2015 and quash the same and direct the respondents to appoint the petitioner in the post of Junior Assistant by taking note eligible qualifications and Medical grounds.

For Petitioner : Mr.Shanmugasundara Babu

For Respondents: Mr.C.Munusamy
Standing Counsel

ORDER

By consent, the writ petition is taken up for final disposal. Mr.C.Munusamy, learned Standing Counsel accepts notice on behalf of the respondents.

2 The petitioner, after completion of Electrical Course in the year 1986, had also completed course in Apprentice Training and got the National Apprentice Certificate. Thereafter, he joined the services of the Tamil Nadu Steel Limited, Arakkonam as an Electrician in the year 1988 and worked as such in the above said Company till it was closed as per G.O.Ms.No.222 dated 16.06.1998. Thereafter, as per G.O.Ms.No.523, of the Industries Department dated 21.08.1998, alternative employment was given and the petitioner was appointed as an Electrician vide proceedings of the 2nd respondent dated 10.04.2001 and was posted at Modern Rice Mill at Erukkur, Nagapattinam Region and got his transfer to Modern Rice Mill, Thimmavaram, Kanchipuram Region on 17.05.2001 and worked in that capacity till date. The petitioner also claims that he has completed B.A. Degree and got a certificate and he has also requested his employer to enter the degree in his service records by submitting the higher qualification certificate and prayed for appointment as a Junior Assistant and it was rejected by the 2nd respondent vide impugned proceedings dated 29.10.2015. Challenging the legality of the same, the petitioner has come forward with this writ petition.

3. The learned counsel for the petitioner would submit that though the petitioner possessed necessary qualification, it was not properly considered and his request came to be rejected and therefore, prays for interference of this Court.

4. Per contra, Mr.C.Munusamy, learned Standing Counsel appearing for the respondents would submit that admittedly the petitioner has filed an appeal petition/memorandum to the 1st respondent on 14.12.2015 and in the light of the effective alternative remedy, the writ petition is not maintainable and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and perused the materials placed on it.

6 Though the petitioner has prayed 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 petitioner, directs the 1st respondent to consider the petitioner's appeal memorandum dated 14.12.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

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To

Sub Assistant Registrar

- 1 The Managing Director
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Chennai- 600010
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Modern Rice Mill
Tamil Nadu Civil Supplies Corporation
Thimmavaram
Kanchipuram High Road
Kanchipuram District

+1cc to Mr.Munusamy, Advocate, S.R.No.5886

+1cc to Mr.Shanmugasundarababu, Advocate, S.R.No.6032

RV(CO)
RS(17/02/2017)

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