

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.13981 of 2017

G. Saravanan

Petitioner

vs.

- 1 The State of Tamil Nadu  
represented by the Secretary to Government  
Backward Class, Most Backward Class and  
Minority Welfare Department  
Secretariat, Fort St. George  
Madras - 600 009
  - 2 The Commissioner of Most Backward Classes &  
Denotified Communities Welfare  
Chepauk  
Chennai 600 005
  - 3 The District Backward Class &  
Minority Welfare Officer  
Nagapattinam District  
Nagapattinam
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to promote the petitioner to the post of Driver with effect from 28.03.2015 with all monetary and service benefits by considering the petitioner's representation dated 24.04.2017.

For petitioner Mr. R. Jayaprakash

For respondents Mr. T.M. Pappiah

Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of mandamus directing the second respondent to promote the petitioner to the post of Driver with effect from 28.03.2015 with all monetary and service benefits by considering his representation dated 24.04.2017.

2 The petitioner was appointed as Cook through employment exchange on 30.04.2013 in Nagapattinam District. While so, one

Thavamani who was also serving as Cook, was considered for the promotional post of Jeep Driver on 30.04.2011 in Nagapattinam and later, he was found unfit to hold the post because of habitual intoxication and the petitioner herein was promoted as Driver. Aggrieved by the promotion given to the petitioner, the said Thavamani preferred an appeal before the second respondent on 27.03.2015, which was forwarded to the third respondent for necessary orders. Subsequently, the said Thavamani filed a writ petition in W.P. No.18794 of 2015, in which, this Court, vide order dated 21.04.2015, directed the second respondent to consider and pass orders on the appeal preferred by Thavamani. In pursuance thereof, in the said appeal, the third respondent, vide order dated 25.09.2015, held that Thavamani is not a trustworthy person and that he is not fit for promotion to the post of Driver as he had damaged a vehicle while acting as Driver on an earlier occasion. Aggrieved by the promotion given to the petitioner herein and also challenging the order dated 25.09.2015 passed by the third respondent, Thavamani preferred a further appeal before the second respondent, in which, by order dated 09.10.2015, the second respondent ordered for reversion of the petitioner herein to the post of Cook, challenging which, the petitioner herein preferred an appeal before the first respondent on 30.11.2015, which is still under consideration. While so, the petitioner preferred W.P. No.3607 of 2016 challenging the order dated 09.10.2015 passed by the second respondent besides seeking re-promotion to the post of Jeep Driver, which was disposed of by this Court vide order dated 26.08.2016 with a direction to the first respondent to dispose of the petitioner's appeal dated 30.11.2015 on merits and in accordance with law within a period of one month. Pursuant thereto, the first respondent has rejected the petitioner's request vide order dated 06.04.2017. When things stood thus, on 09.04.2017, Thavamani breathed his last in a vehicular accident. Thus, since the post of Jeep Driver in the office of the third respondent is vacant on account of the demise of Thavamani, the petitioner has addressed a representation dated 24.04.2017 to the third respondent, with a copy marked to respondents 1 and 2, seeking promotion to the post of Driver, which remains unconsidered. Hence, seeking consideration of his representation dated 24.04.2017, the present writ petition has been preferred by the petitioner.

3 Since the petitioner is serving as Cook in Nagapattinam and as the post of Driver is also lying vacant in Nagapattinam, this Court directs the second respondent, who is the appropriate authority, to consider and pass orders on the petitioner's representation dated 24.04.2017 on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad  
To

- 1 The Secretary to Government  
Backward Class, Most Backward Class and  
Minority Welfare Department  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Madras - 600 009
- 2 The Commissioner of Most Backward Classes &  
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Chepauk  
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- 3 The District Backward Class &  
Minority Welfare Officer  
Nagapattinam District  
Nagapattinam

+1 cc to M/s.R.Jayaprakash Advocate sr 40429  
+1 cc to Government Pleader sr 40286

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skv(co)  
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