

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN

W.P.No.6113/2015 & MP.No.1/2015

M.Chandrasekaran

..Petitioner

..Vs..

1.The State of Tamilnadu,
Rep.by the Secretary to Government,
Education Department,
Secretariat, Chennai-09.

2.The Director of School Education,
College Road, Chennai-06.

3.The District Education Officer,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularise the service of the petitioner in the post of Office Assistant with effect from the date of initial appointment and promote the petitioner to the post of Junior Assistant and then to the post of Assistant with effect from the date of promotion given to his junior with all monetary and service benefits like increment, selection grade, special grade.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for M/s.M.Srividhya

For Respondents: Mr.P.Sanjay Gandhi, AGP

ORDER

Heard Mr.R.Singaravelan, learned Senior Counsel appearing for M/s.M.Srividhya learned counsel appearing for the petitioner; Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

2.The petitioner was appointed as a Night Watchman under the Tamilnadu Basic Service Rules and he was transferred and posted as Office Assistant. When an attempt was made to revert the petitioner and other candidates,

applications were filed by the aggrieved candidates before The Tamilnadu Administrative Tribunal in O.A.Nos.2202 to 2211, 2212 to 2214, 2216 to 2232 of 1998. The Tribunal by an order dated 17.10.2003 ordered those applications with a specific direction that the District Collector is having the list of all of office Assistants who have been rendered surplus and if that list has been exhausted, naturally there is no necessity for ban and if there are still vacancies, the applicants can be appointed as Office Assistants. Further, the tribunal observed that the very fact that by virtue of the stay, all these applicants are continuing to work as office Assistants would mean that there are vacancies and they could be accommodated and the District Collector has to see whether the list maintained by him has been exhausted and if it has been exhausted and if there are vacancies, these applicants may be allowed to continue as office Assistants. Therefore, it is clear that the petitioner is entitled to benefit of the order of The Tamilnadu Administrative Tribunal referred to supra. However, the request of the petitioner has not been considered by the third respondent, on the ground that the proposals were pending with the first respondent. Hence, there shall be a direction to the first respondent to dispose of the pending proposals with reference to Rule 48 of the Tamilnadu Basic Service Rules, taking into account, the length of service as well as the orders of the Tamilnadu Administrative Tribunal referred supra. The said exercise shall be completed by the first respondent within a period of twelve weeks from the date of receipt of a copy of the order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

KP

To

1. The Secretary to Government,
The State of Tamilnadu,
Education Department,
Secretariat, Chennai-09.

2.The Director of School Education,
College Road,
Chennai-06.

3.The District Education Officer,
Dharmapuri District.

+1cc to M/s.M.Srividhya,Advocate sr.37611

W.P.No.6113/2015

mp(co)
ss(24/5/2017)



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