

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Appeal No.861 of 2016

The Secretary to Government of Tamil Nadu  
Public (General.II) Department  
Fort St. George  
Chennai 600 009.

... Appellant

Vs.

V.Manavalan

.. Respondent

Appeal under Clause 15 of Letters Patent filed against the order of the learned single Judge dated 03.6.2016 made in W.P.No.37467 of 2015 on the file of this Court.  
Prayer W.P. No 17379 of 2015:

Writ Petition praying to writ of Mandamus directing to respondent to consider the claim of the petitioner for promotion as Assistant Reception Officer in commensurate with his Seniority and promote him as Assistant Reception Officer in the Tamil Nadu House New Delhi in the light of the representation made by the petitioner dated 03.02.2014 within a reasonable time and to grant him all consequential service and monetary benefits at par with his Junior.

For Appellant : Mr.V.Ayyadurai  
Addl. Advocate General  
Assisted by  
Mrs.A.Srijayanthi, Spl. Govt. Pleader

For Respondent : Mr.AL.Somayaji, S.C.  
For Mr.A.Jenasenan  
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J U D G M E N T

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order of the learned single Judge dated 03.6.2016 made in W.P.No.37467 of 2015.

2. Heard Mr.V.Ayyadurai, learned Additional Advocate General appearing for the appellant and Mr.AL.Somayaji, learned senior counsel appearing for the respondent.

3. The claim of the respondent for promotion to the post of Assistant Reception Officer was rejected by the appellant on the ground that the post held by the respondent at the time of seeking promotion was not a feeder category for promotion to the post of Assistant Reception Officer and that the respondent did not possess education qualification as per Rule 19 of the General Rules of the Tamil Nadu State and Subordinate Service Rules.

4. The said order was challenged by the respondent before this Court in W.P.No.37467 of 2015. The learned single Judge, by order dated 03.6.2016, after referring to the case of a similarly placed person, set aside the rejection order of the appellant and directed the appellant to consider the claim of the respondent and to promote him, by granting all other consequential service and monetary benefits. Aggrieved by the said order, the appellant has come up with this appeal.

5. Admittedly, the respondent was holding the post of Senior Liaisoning Assistant at the relevant point of time. The said post of Senior Liaisoning Assistant is equivalent to the post of Assistant in Tamil Nadu House, New Delhi. Therefore, it is clear that unless the educational qualification of the respondent had been relaxed in the feeder category, the respondent could not have been appointed as Senior Liaisoning Assistant. In the circumstances, the question of pursuing degree under Open University System does not arise, particularly when the respondent's educational qualification had already been relaxed in the feeder category.

6. In view of the above, we are of the considered opinion that the case of the respondent deserves to be considered for promotion. Accordingly, we direct the appellant to consider the case of the respondent for promotion and pass necessary orders within a period of six months from the date of receipt of a copy of this order.

The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, CMP No.11168 of 2016 is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Secretary to Government of Tamil Nadu  
Public (General II) Department  
Fort St. George Chennai 9

+1 CC to Mr. A. Jenasenan, Advocate sr 13759

W.A.No.861 of 2016

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