

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32944 of 2016

1 S.Murugan .. Petitioner

Vs.

1. The Honourable Secretary
Animal Husbandry, Dairy and Fisheries Dept.
Secretariat , St George Fort
Chennai
2. The Director of Veterinary Services
Chennai-600 006
3. The Assistant Director of Animal Husbandry
Ambasamudram
Tirunelveli District .. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus directing all the respondents herein to execute the order passed by this Honourable Court in Writ Petition No. 5206 of 2007 dated 18.02.2015 and execute the Executive Order passed by the 2nd respondent in Na.Ka.21576/R2/2004 dated 21.06.2016.

For Petitioner .. Mr.M.A.Prashanth Kumaran
For Respondents .. Mr.K.Dhananjayan,
Spl.G.P

सत्यमेव जयते
ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The grievance expressed by the petitioner is that despite the order dated 18.2.2015 passed in W.P.No.5206 of 2007 in and by which the writ petition came to be allowed with a further direction to confer all consequential benefits, the petitioner has been given promotion only upto the level of Superintendent and though 9 of his juniors were given promotion to the post of Manager and since the consequential promotion to the said post is not granted to the petitioner, he has submitted representations dated 24.8.2016 and 1.9.2016 and

since the said representations are yet to be favoured with any kind of response, he has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of the Court to the order dated 18.2.2016 made in W.P.No.5206 of 2007 as well as the proceedings of the second respondent dated 21.6.2016. By taking note of the order passed by the second respondent dated 21.6.2016 and perusal of the order passed in W.P.No.5206 of 2007, he prays for an order, directing the respondents to permit the petitioner to the post of Manager and confer all consequential benefits.

4. Per contra, the learned Special Government Pleader, who accepts Notice on behalf of the respondents, would submit that the second respondent, after taking note of the relevant facts passed the impugned order and there is no infirmity in the impugned order and prays for dismissal of the writ petition.

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

6. This Court, while allowing the writ petition No.5206 of 2007 has quashed the order of the second respondent with a further direction granting all consequential benefits and it is the specific claim of the petitioner that nine of his juniors were given promotion as Manager and as such he is eligible to be considered for promotion to the post of Manager. This Court, taking into above facts and circumstances, is of the view that it is suffice to direct the second respondent to consider and dispose of the petitioner's representations dated 24.8.2016 and 1.9.2016 on merits and in accordance with law, within a stipulated time.

7. In the result, the Writ Petition is disposed of and the second respondent is directed to consider the petitioner's representations dated 24.8.2016 and 1.9.2016 and after providing the opportunity of personal hearing to the petitioner, 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 to the petitioner and while doing so, he shall also take note of the order dated 18.2.2015 passed in W.P.No.5206 of 2007. No costs.

s/d-

Assistant Registrar (CS-VI)

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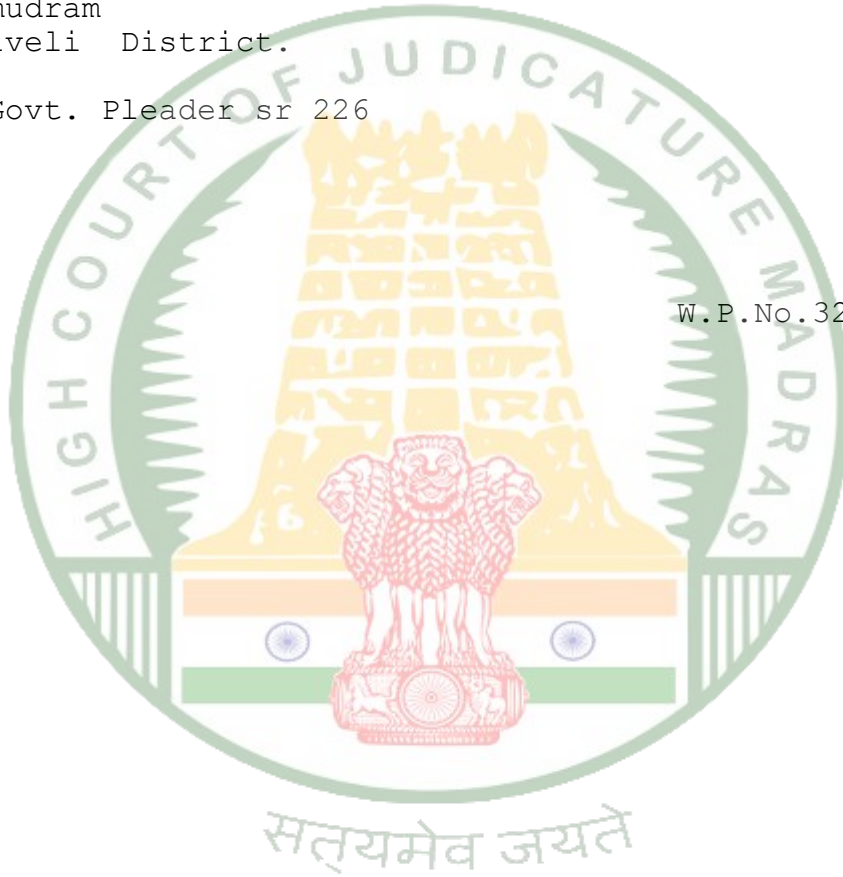
Sub-Assistant Registrar

To

1. The Secretary
Animal Husbandry, Dairy and Fisheries Dept.
Secretariat , St George Fort
Chennai
 2. The Director of Veterinary Services
Chennai-600 006
 3. The Assistant Director of Animal Husbandry
Ambasamudram
Tirunelveli District.
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KSJ(CO)
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