

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.44438 of 2016

Dr.K.Thamilselvan
Yoga Instructor,
Sports Development Authority of Tamil Nadu
Ariyalur District Unit,
Ariyalur.Petitioner

-Vs-

The Member Secretary,
Sports Development Authority of Tamil Nadu,
Chennai - 84. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to re-designate the petitioner as Yoga Coach pursuant to the proceedings in Roc.No.4450/A1/94 dated 05.02.2001 and consequently direct the respondents to promote the petitioner to the post of District Sports Officer from the date on which his juniors have been promoted.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.I.Sathishkumar

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.I.Sathishkumar, learned counsel accepts notice on behalf of the respondent.

2. The petitioner would state that he joined service of the respondent as Full Time Yoga Coach in the erstwhile Tamil Nadu State Sports Development Corporation on 03.02.1989. The initial scale of pay was Rs.780-35-1025-40-1385 plus all allowances as admissible from time to time. At the time of appointment, it was stated that the seniority of the petitioner would be fixed below the coaches working in the Tamil Nadu State Sports Development Corporation and District Units. The petitioner has put in 27 years of hard and sincere service to the satisfaction

of his superiors. The petitioner would further state that he possesses the following qualifications.

- i) B.A. (History),
- ii) M.A. (History),
- iii) M.Sc. (Yoga),
- iv) P.G.Diploma in Yoga,
- v) Ph.D. in Yoga.

The governing Board of Tamil Nadu State Sports Development Corporation ratified his appointment on 09.11.1990. The said post was re-designated as Yoga Instructor which is equivalent to Yoga Coach-cum-Warden.

3.The grievance expressed by the petitioner is that the next avenue of promotion to the petitioner is to the post of District Sports Officer/ Warden Sports Hostel Manager/ Stadia Officer and he is qualified for promotion as prescribed in the Service Rules of the respondent and despite the petitioner had put very many years of service and having the prescribed qualification, the claim for promotion to the said post has not been considered. Though initially it was rejected on the ground that he did not have Diploma / Certificate in Coaching, it was also clarified by the petitioner in the form of representation dated 15.03.2011. Since the petitioner is going to attain the age of superannuation very shortly, his claim for promotion to the post of Yoga Coach, District Sports Officer may be considered and prays for appropriate orders.

4.This Court considered the rival submissions and perused the materials placed on record

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representations dated 27.01.2016 and 08.06.2016 on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner and pass order 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. The writ petition is disposed of accordingly. No costs.

sd/

Assistant Registrar

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Sub Assistant Registrar

vsi

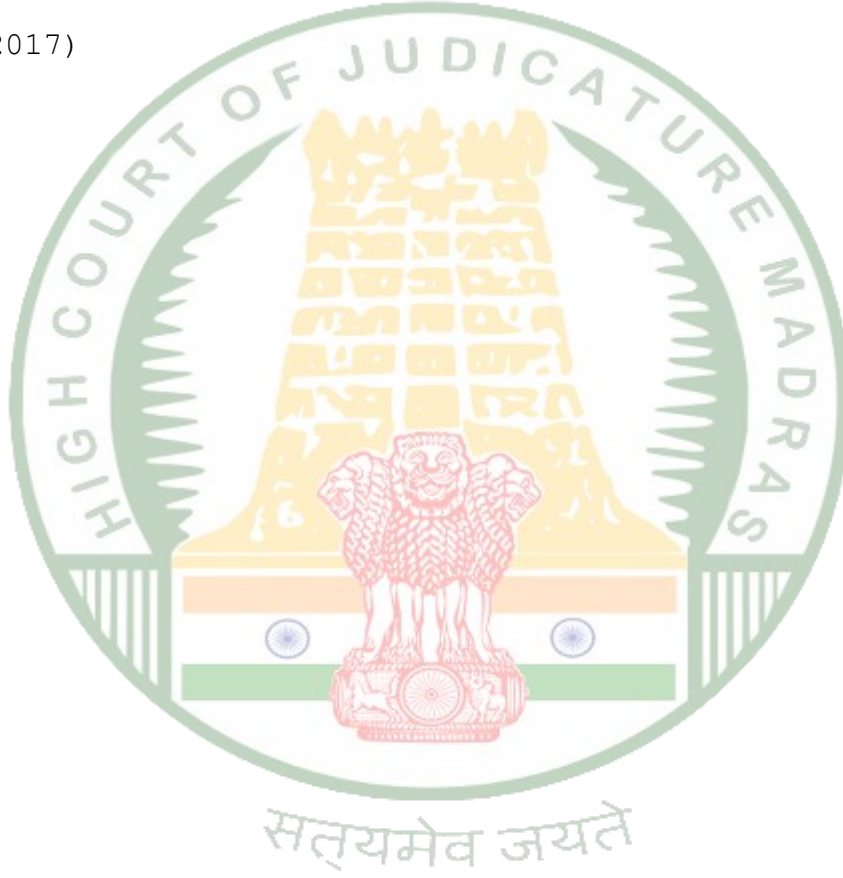
To

The Member Secretary,
Sports Development Authority of Tamil Nadu,
Chennai - 84.

+1cc to Mr.C.Vigneswaran SR.No.21

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