

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms JUSTICE J.UMA DEVI

Writ Petition No.22798 of 2016

Order: (per V.Ramasubramanian, J.)

Aggrieved by the non-grant of promotion to the post of Record Assistant, a person who was appointed as Attender and who is now working as Cook, has come up with the present writ petition.

2. Heard Mr. M.Saleem, learned counsel for the petitioner and Mr. P.Ravi Prasad, learned Standing Counsel for the High Court.

3. The petitioner was appointed on 09-10-2001 as an Attender, on compassionate grounds, consequent upon the death of his father in harness. It appears that he was posted as a Cook in the residence of a Judicial Officer in the year 2008. It appears that ever since then, the petitioner has gone on leave on several occasions, on the ground that his posting as a Cook was in violation of the Rules and also on the ground that he did not know cooking.

4. As a result of his record of service from 2008, the petitioner's case was not taken for promotion to the post of Record Assistant. Therefore, contending that his juniors have been promoted and he was deprived of promotion, the petitioner is before us.

5. The 2nd respondent has filed a counter affidavit pointing out that the petitioner has been repeatedly going on leave and that his work was not satisfactory.

The 2nd respondent has also claimed that the petitioner is habituated to send anonymous letters making allegations against the Presiding Officer.

6. In view of the said stand, it may not be possible for this Court to direct the respondents to promote the petitioner to the post of Record Assistant. At least the fact that the petitioner has been going on leave frequently, is not disputed before us. Therefore, no positive *mandamus* can be issued.

7. Therefore, the writ petition is dismissed. However, it will not be a bar for the respondents to consider the case of the petitioner in future, if his performance improves. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

25th January, 2017.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms JUSTICE J.UMA DEVI

Writ Petition No.22798 of 2016
(per VRS, J.)



25th January, 2017.
(Ak)