

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.505 of 2018

M.Poosaimani

Petitioner

-vs-

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai-6.

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representations submitted by the petitioner dated 27.3.2017, 26.4.2017 and the Appeal Petition dated 1.9.2017 and to pass orders for inclusion of the name of the petitioner in the panel for promotion to the post of P.A. to DEO in the panel year 2015-2016 and to grant promotion to the petitioner on par with his junior S.Lilly Pappa w.e.f. 04.03.2016 with all consequential and other attendant benefits including retirement benefits in the post of P.A. to DEO and other

attendant benefits within a time frame to be fixed by this Court.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mrs.P.Rajalakshmi,
Addl. Govt. Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 27.3.2017, 26.4.2017 and also the Appeal Petition dated 1.9.2017 and to pass orders for inclusion of the name of the petitioner in the panel for promotion to the post of P.A. to District Educational Officer in the panel year 2015-2016 and to grant promotion to him on par with his junior S.Lilly Pappa w.e.f. 04.03.2016 with all consequential and other attendant benefits including retirement benefits in the post of P.A. to DEO within a stipulated time.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Non-Teaching Staff as Typist in School Education Department in the year 1981 and subsequently, promoted to various categories of posts based on his seniority and eligibility. He was lastly promoted as regular Superintendent on 22.11.2010. His next avenue of promotion is to the post of Personal Assistant to District Educational Officer. The learned Counsel further submitted that though the petitioner was eligible to be included in the panel for promotion to the post of PA to DEO in the year 2015-2016 prepared as on 15.3.2015 and published on 7.9.2015, his name was not

included, but, at the same time, his juniors have been included and based on the said panel, one of his juniors, namely S.Lilly Pappa, who was promoted to the post of Superintendent only on 24.11.2010, was given further promotion to the post of PA to DEO on 4.3.2016. The learned Counsel also submitted that in the meantime, the petitioner reached the age of superannuation and retired from service on 31.3.2016. Since the petitioner's name was omitted to be included in the panel for the year 2015-2016 and his junior was given promotion to the post of PA to DEO overlooking his seniority, the petitioner submitted a detailed representation to the 3rd respondent on 27.3.2017. But there was no response for the same. Hence, he has given 2 more representations to the 3rd respondent on 26.4.2017 and 01.09.2017 followed by an appeal dated 1.9.2017. But, till date no order has been passed on the same. Hence the present Writ Petition.

3. Mrs.P.Rajalakshmi, learned Additional Government Pleader, who takes notice on behalf of the respondents sought for sufficient time to consider and dispose of the pending appeal.

4. Considering the limited prayer made in the Writ Petition and also the facts that the petitioner has already retired from service w.e.f. 31.3.2016 and the respondents while including the name of the petitioner's juniors in the panel for promotion to the post of P.A. to DEO in the year 2015-2016, overlooked the name of the petitioner, the 2nd respondent is hereby directed to consider and dispose of the Appeal Petition filed by the petitioner

T.RAJA, J.**tsi**

dated 1.9.2017 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs.

10.01.2018

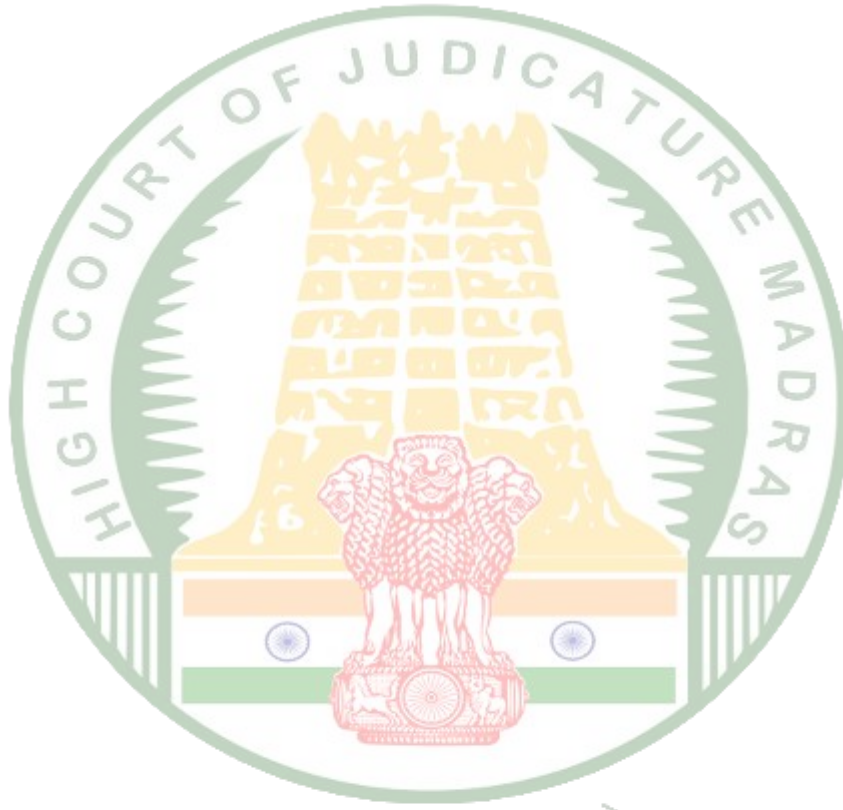
Speaking/Non speaking order
Index : yes/no

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
3. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai-6.

WEB COPY

W.P.No.505 of 2018



10.01.2018

सत्यमेव जयते

WEB COPY