

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.23782 of 2005

S.Sikandar Basha

... Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Karur-639 001. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as B.T. Assistant (History) from the date on which his immediate junior was promoted as such, with all consequential benefits of service and retiral benefits, including revised pension and pensionary benefits forthwith.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Ms.P.Kavitha,
Government Advocate.

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to promote the writ petitioner as B.T. Assistant (History) from the date on which his immediate junior was promoted as such, with all consequential benefits of service and retiral benefits, including revised pension and pensionary benefits.

2. The writ petitioner was allowed to retire from service on 31.5.2003. He was appointed initially on 9.6.1964 in Panchayat Union School and transferred to Municipal Wing and joined at Municial Higher Secondary School, Karur on 26.9.1979.

3. The grievance of the writ petitioner is that one Thiru N.Amirthalingam, who was junior to the writ petitioner, had entered into Municipal Unit and joined on 22.6.1972, was promoted to the Higher Post of B.T. Assistant. Thus, the similar benefit is to be extended to the writ petitioner.

4. The learned counsel for the writ petitioner states that the said Thiru N.Amirthalingam was junior to the writ petitioner and he was promoted as B.T. Assistant in August, 2002. Thus, the writ petitioner is also entitled for the grant of promotion on par with his junior.

5. The learned Government Advocate, appearing on behalf of the respondents, opposed the said contentions of the learned counsel for the writ petitioner, by stating that on transfer from Panchayat Union School to Municipal Higher Secondary School, the seniority of the writ petitioner had been foregone and therefore, the writ petitioner is not entitled to claim any promotion citing the case of Thiru N.Amirthalingam, whose transfer was granted on condition that the earlier seniority in Panchayat Union School cannot be granted. Thus, the writ petition is liable to be rejected.

6. This Court is of an opinion that the writ petitioner was originally appointed on 9.6.1964 in Panchayat Union School and got transferred to Municipal Wing and joined the Municipal Higher Secondary School on 26.9.1979. Therefore, the seniority of the writ petitioner in the post of Secondary Grade is to be reckoned with reference to the date of joining in the Municipal Wing.

7. This apart, the writ petitioner was allowed to retire from service on 31.5.2003 and the present writ petition was filed on 22.7.2005, after lapse of two years from the date of retirement of the writ petitioner.

8. Under these circumstances and after this length of time, the claim of the writ petitioner deserves no merit consideration and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Karur-639 001.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.84100

+1cc to Government Pleader SR.No.84440

WP No.23782 of 2005

RSV (CO)

GMV (28/12/2018)



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