

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

WMP No.25231 of 2017

IN WP.23954/2017

1 A.PITCHAIGANI

[PETITIONER]

Vs

1 THE GOVERNMENT OF TAMILNADU [RESPONDENTS]
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES (MIC2) DEPARTMENT, FORT ST.
GEORGE, CHENNAI-9

2 THE COMMISSIONER OF SUGAR
690, ANNASALAI, NANTHANAM, CHENNAI-35

3 THE MANAGING DIRECTOR
KALLAKURUCHI NO.II COOPERATIVE SUGAR MILLS
LTD., KACHIRAYAPALAYAM, CHINNASALEM,
VILLUPURAM DISTRICT 606 207

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an interim direction to the respondent to consider the name of the petitioner for promotion to the post of Labour Welfare Officer, as per the qualification prescribed in Tamilnadu Factories (Welfare Officers) Rules 1953, (in WMP No.25231 of 2017) pending disposal of the above WP.23954/2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.SASEETHARAN, Advocate for the petitioner and of MRS.T.GIRIJA, Government Advocate for the 1 & 2 Respondents and of MR.L.P.SHANMUGASUNDARAM, for 3rd Respondents the court made the following order:-

Heard the submission of the learned counsel appearing for the petitioner and Mrs.T.Girija, learned Government Advocate appearing for respondents 1 and 2 and Mr.L.P.Shanmugasundaram, learned counsel appearing for 3rd respondent and also perused the materials placed before it.

2. The petitioner in this writ petition has challenged the qualification prescribed with regard to 15 years of service experience vide the Government Order for consideration to promotional post Welfare Extension Officer to be contrary to the rule. The promotion exams are going to be conducted by the respondent for filling the post of Labour Welfare Officer. Counter affidavit has been filed. However, the date for promotion examination have been fixed on 09.01.2018. The petitioner has filed this writ miscellaneous petition to allow him to participate in the examination, pending disposal of the writ petition.

3. The learned counsel appearing for the petitioner would submit that fixation of 15 years of experience as Non-Seasonal employee, vide the Government order, is arbitrary and contrary to law for consideration of promotion to the post of Labour Welfare Officer and unless the petitioner is allowed to participate in the examination which is going to be held shortly, the writ petition shall become infructuous.

4. Mrs.T.Girija, learned Government Advocate appearing for the respondents 1 and 2, vehemently opposed the same on the ground that the petitioner is not having the required experience as prescribed in the Government Order and as such, he has no case and the prayer sought in this Miscellaneous petition should not be allowed, in as much as that would hamper the prospect of the other qualified candidates entitle for promotion.

5. Considering the facts and submissions made, especially the fact that the petitioner is otherwise qualified person except the experience required for promotion, as prescribed in the Government Order under challenge in this case, this Court is of the opinion that the petitioner appears to have prima facie case and as such, this miscellaneous petition is allowed and the respondents are directed to allow the petitioner to participate in the promotion examination to be held for the post of Labour Welfare Officer on 09.01.2018 ; but his result should not be published without the leave of this Court. Further, it is made clear that in case of other candidates their results be published and they will be regularly promoted, keeping one post reserved till pending disposal of the main writ petition.

-sd/-
08/01/2018
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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4.PITCHAIGANI,
S/O. ALLAH PICHAI
ACCOUNTS CLERK GRADE-II,
KALLAKURUCHI NO.2.
CO-OPERATIVE SUGAR MILLS LIMITED,
KATCHIRAYAPALAYAM,
CHINNASALEM, VILLUPURAM DISTRICT.

C.C. to M/S.R.SASEETHARAN Advocate SR.No.371

The Government PLEADER, High Court, Madras - SR.NO.337

Order

in
WMP.25231/2017

in
WP.23954/2017

Date :08/01/2018

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