

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.7210 of 2013

S.Ganapathy

... Petitioner

-Vs-

The Commissioner for Milk Production and
Dairy Development cum the Managing Director,
Aavin Illam, Chennai-51.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to give the petitioner Special Grade on completion of 20 years with effect from 2001 with arrears and all consequential benefits including refixation of pay by releasing the petitioner's increments from 2002 and grant the petitioner promotion as Store Keeper on par with juniors with effect from 2006 along with all attendant benefits.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.O.S.Vijay Sarathi

O R D E R

Heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr.O.S.Vijay Sarathi, learned counsel appearing for the respondent.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, to direct the respondent to give the petitioner Special Grade on completion of 20 years with effect from 2001 with arrears and all consequential benefits including refixation of pay by releasing the petitioner's increments from 2002 and grant the petitioner promotion as Store Keeper on par with juniors with effect from 2006 along with all attendant benefits."

3. upon notice, learned counsel appearing for the respondent entered appearance and filed a counter affidavit. In the counter affidavit, in paragraph No.3, it is stated as follows:-

"3.The respondent deny the allegation made in Paragraph Nos.5,6,7 and 8 of the affidavit are false and incorrect. The petitioner who was Sign.Gd.Assistant Store Keeper was eligible for Special Grade with effect from 30.09.2001. At the time, we have taken disciplinary action against this individual for unauthorised absence from 24.04.2000 to 14.09.2000 and awarded punishment for the stoppage of increment for one year without cumulative effect and also under suspension from 23.05.2003 to 02.05.2006 and awarded two years increment cut without cumulative effect. Now this individual SR sent to Transport Unit Vide T.O.Lr.No.1008/S1/CD/2015, dated 09.03.2015 for elevation of Special Grade Post w.e.f.30.09.2001 onwards."

4. According to the above said paragraph, the proposal is already been sent to the competent authority on 09.03.2015 for grant of Special Grade to the petitioner with effect from 30.09.2001 onwards.

5. In the said circumstances, the learned counsel for the petitioner would submit that the direction may be issued to the respondent to consider the proposal and pass orders.

6. In view of the limited direction being sought in the writ petition, the respondent is directed to consider the proposal dated 09.03.2015 for grant of Special Grade to the petitioner with effect from 30.09.2001 onwards, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsk

To

The Commissioner for Milk Production and
Dairy Development cum the Managing Director,
Aavin Illam, Chennai-51.

+lcc to M/S.V.Vijayshankar, Advocate Sr.31008

+lcc to M/S.O.S.Vijaya Sarathi, Advocate Sr.30880

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rsk[co]
srg 25/05/2018



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