

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2753 of 2018

1. M. Sundarambal

2. C. Thangamani

.... Petitioner

vs

1. The Director,
Office of the Adi-draavidar and Tribal Welfare,
Chepauk, Chennai - 600 005

2. The District Adi-Draavidar Welfare Officer,
Office of the District Adi-Draavidar Welfare Officer,
Collectorate, Erode District

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent to give promotion to the petitioners as Office Assistants in second respondent's office.

For Petitioners :: Ms.C. Neethimozhi

For respondents :: Mr.R.P. Prathap Singh
Govt Advocate

ORDER

The writ petition has been filed by the petitioners, seeking a direction to issue a Writ of Mandamus directing the District Adi-Draavidar Welfare Officer, Office of the District Adi-Draavidar Welfare Officer, Collectorate, Erode District, the second respondent herein to give promotion to the post of Office Assistants in the second respondent's Office.

2. The learned counsel for the petitioners would submit that the first petitioner having passed VIII Standard, was sponsored in the office of the second respondent vide letter Na.Ka.No.47588/89 dated 19.06.1989. Considering her suitability, the second respondent appointed her as Cook in Government Girls Hostel, Erode Taluk with regular scale of pay of Rs.350-10-550.

Immediately, the first petitioner joined as Cook in the second respondent's office.

3. In the meanwhile, the second petitioner, who failed to in IX Standard, having registered her name in the employment exchange for the post of Cook in the second respondent's office, was also appointed as Cook vide letter No.Na.Ka.No.96660/2001/tha1 dated 31.05.2001 in Government Hospital, Kuthiyalathur Taluk, Sathy Taulk.

4. The second respondent has given a letter in Na.Ka.No.9640/2017/A1 dated 30.05.2017 for panel list of cooks those who are working in the second respondent's office, wherein, the first petitioner's name was found in serial number 3 and she is going to retire on 31.03.2021 and the second petitioner's name was found in Serial No.30. But till date, they have not given promotion to the post of Office Assistants.

5. Considering the continuous employment from 1989, a representation has been given on 25.07.2016 to all the respondents to give them promotion to the post of Office Assistants. But till date, they have not considered the same. Therefore, the petitioners were advised to approach this Court, seeking a direction to dispose of the representation.

6. When this Court posed a question to the learned counsel for the petitioners to explain under which provision the petitioners have made representation to the post of Office Assistants from the post of Cook, he is unable to give any convincing reply. Moreover, in the affidavit, filed in support of the petition, the petitioners have not mentioned that there is any vacancy in the post of Office Assistant. Therefore, when there is no vacancy in the post of Office Assistant and moreover, when there is no provision brought to the notice of this Court that the Cooks are entitled to get promotion to the post of Office Assistant, taking the post of Cook as feeder category, this Court is not able to entertain the writ petition.

7. In the result, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

sr

To

1. The Director,
Office of the Adi-draavidar and Tribal Welfare,
Chepauk, Chennai - 600 005
2. The District Adi-Draavidar Welfare Officer,
Office of the District Adi-Draavidar Welfare Officer,
Collectorate, Erode District

+1 CC to Govt. Pleader sr 10310.

+2 Ccs to Ms.C. Neethimozhi, Advocate sr 9590.

W.P.No.2753 of 2018

SVI (CO)
SP(12/02/2018)



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