

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.08.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.17703 and 17704 of 2018
and WMP No.20967 to 20969 of 2018

G.P.S.Jayakumar .. Petitioner in WP No.17703 of 2018

L.B.Raja Krishnakanth .. Petitioner in WP No.17704 of 2018

Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Planning Development and Special Initiatives Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Additional Chief Secretary / Commissioner,
Department of Economics & Statistics,
DMS Campus, Chennai 600 006 .. Respondents in both WPs

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in No.5157/B2/2018 dated 28.06.2018 to quash the same and consequently direct the respondents to continue to work as Statistical Officer on Non Technical side in the Department of Economics and Statistics in the post earmarked under G.O.Ms.No.90, Planning, Development and Special Initiatives (ST.2&E) Department dated 02.07.2012 and as per the 2nd respondent propoal n0.38703 /e1/2017 dated 31.01.2018 wherein 4 posts of Statistical Officer allotted for Administration till getting reversion to Parent Ministerial Service.

For Petitioners

: Mr.G.Sankaran

For Respondents

: Mr.S.Suresh Kumar
Government Advocate

ORDER

The grievance of the petitioners in these writ petitions is with regard to their posting as Statistical Inspector in Sarva Siksha Abiyan, Villupuram, inasmuch as, the aforesaid being a technical post, the petitioners are not fit into the job in view of the Government order passed in this regard.

2 It is the case of the petitioner that they joined as Ministerial staff in the respondent / department and in gradual course they were promoted to the rank of Statistical Officer. However, the Government thereafter held the aforesaid post of Statistical Officer is a technical one and as such, Ministerial Staffs who are promoted not fit into the job and as such, asked the staff who were on non-technical Statistical Officer i.e the Ministerial staffs promoted to the said rank to exercise the option to come to equivalent post. Accordingly, the petitioners have though exercised their option but now they are posted against technical post of Statistical Officer in Sarva Siksha Abiyan. Hence, the writ petition seeking quashment of the same and reversion of them to the appropriate posts.

3.The learned counsel appearing for the petitioners would submit that though they sought for the aforesaid relief but now they want to make a representation to the appropriate respondents to consider their case in the light of Government decision and it would suffice this Court directs disposal of such representation within a stipulated time.

4.Mr.S.Suresh Kumar, learned Government Advocate who accepts notice on behalf of respondents 1 and 2 would submit that appropriate respondent shall have no objection to consider their representation on merit and in accordance with law.

5.In view of the aforesaid submissions made, these writ petitions stand disposed of at the stage of admission giving liberty to the petitioner to file a representation before the appropriate respondent ventilating their grievance within a period of three weeks hence and if such representation is file, the appropriate respondent shall take an informed and considered decision on the same within a period of four weeks from the date of such representation, if there is no legal impediment for the

same. However, it is made clear that this Court has expressed no opinion on the merit of such representation. No costs. Consequently, the connected miscellaneous petition are also closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Planning Development and Special Initiatives Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Additional Chief Secretary / Commissioner,
Department of Economics & Statistics,
DMS Campus, Chennai 600 006

+1cc to Government Pleader SR.No.55673

+2cc to M/S.G.Sankaran, Advocate Sr.62384 [10/09/2018]

W.P.No.17703 & 17704 of 2018

GMV (07/09/2018)

सत्यमेव जयते

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