

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE SATRUGHANA PUJAHARI

W.P.No.14720 of 2013

and M.P.No.1 of 2013

S.Rajagopal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Micro, Small and Medium Enterprises,
Secretariat, Chennai-9.

2.The Industries Commissioner &
The Director of Industries and Commerce,
No.36, South Central Bank Road,
Raja Annamalai Puram,
Mandavelipakkam, Chennai-28.

3.Mr.Mohd. Valiullah Sharif,
Assistant Director [NC],
Central Office,
O/o.The Principal Secretary/The Industries Commissioner &
The Director of Industries and Commerce,
Chennai-28.

4.D.Selvi Vijayarani,
Assistant Director [NC],
Central Office,
O/o.The Principal Secretary/The Industries Commissioner &
The Director of Industries and Commerce,
Chennai-28.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to promote the petitioner as Assistant Director of Industries and Commerce w.e.f. the date on which the respondents 3 and 4 were promoted as such pursuant to order passed by the 2nd respondent dated 28.11.2012 with all consequential monetary and service benefits.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.K.Ravi Kumar, AGP for R1 and R2

: Mr.D.Kanagasundaram for R3 and R4

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

2.The grievance of the petitioner is that during the year 1982, he was appointed as Junior Assistant in Tamil Nadu Ministerial Service under General Rule 10(a)(i) and joined in the O/o.The General Manager, District Industries Centre, Coimbatore on 21.04.1982 and his such temporary service was regularised w.e.f.25.06.1984, based on the Government Special Absorption Rule, 1987 and accordingly, his seniority was fixed in serial No.1436, which was communicated to him vide ICD &IC, Chennai Memo No.125976/EB2/90 dated 28.08.1992. Subsequently, the respondents 3 and 4 were promoted as Assistant and finally absorbed as Survey and Statistical Inspector under Tamil Nadu Industries Subordinate Services and revised seniority in the post of Assistant was drawn. Persons who were appointed under the compassionate ground subsequent to him, are included in the panel for promotion to the post of Assistant Director, but his case has been ignored. Inasmuch as in the meanwhile, respondents 3 and 4 have been promoted. Thereafter, the petitioner has made a representation on 17.05.2013. But no action has been taken on the same, hence, he has filed his Writ Petition seeking issuance of Writ of Mandamus directing respondents 1 and 2 to promote the petitioner as Assistant Director of Industries and Commerce w.e.f. the date of his immediate juniors, i.e. respondents 3 and 4 were promoted, with all consequential monetary and service benefits.

3.The State has filed a counter affidavit indicating receipt of such representation and also revision of seniority putting the respondents 3 and 4 below the petitioner. However, such decision having been challenged in W.P.No.26943 of 2012 and W.P.[MD] No.3291 of 2013, the grievance of the petitioner could not be considered.

4.During the course of hearing, learned counsel appearing for the petitioner submits that the aforesaid writ petitions have since been disposed of.

5.Learned counsel appearing for the State submits that they will consider the representation of the petitioner in accordance with law as hereinafter therein no impediment to consider the grievance, taking note of the order passed.

6. In such view of the matter, this writ petition stands

disposed of with a direction to respondents 1 and 2 to consider the representation/grievance of the petitioner within a period of two months from the date of receipt of a copy of this order. However, this order should not be construed as expression of any opinion on the merit of the representation/grievance. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

gya

To

1.The Secretary to Government of Tamil Nadu,
Micro, Small and Medium Enterprises,
Secretariat,
Chennai-9.

2.The Industries Commissioner &
The Director of Industries and Commerce,
No.36, South Central Bank Road,
Raja Annamalai Puram,
Mandavelipakkam,
Chennai-28.

+2 ccs to Mr.A.R.Suresh, Advocate SR.NO. 22005

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 22861

सत्यमेव जयते

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and
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JK 10/04/18

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