

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P. VELMURUGAN

W.A.No.499 of 2016
and C.M.P.No.6812 of 2016

The District Collector (PD Section)
Tiruppur District, Tiruppur. Appellant

-vs-

R.Shanthi Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 12.06.2015 passed in W.P No.16427 of 2015.

WP.No.16427 of 2015:Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus to direct the respondent to include the name of the petitioner in the list of Assistants for the year 2012-2013 in appropriate place based on her feeder category seniority viz., Junior Assistant with all consequential benefits such as retrospective promotion, arrears of pay, etc.

For Appellant : Mr.V.Anandhamurthy
Additional Govt.Pleader

For Respondent : Mr.V.Sudhakar

J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN,J.]

The writ petition filed by the reespondent for issuance of a Writ of Mandamus directing the appellant herein to include her name in the list of Assistants for the year 2012-2013 and consider her for retrospective promotion was allowed by the learned single Judge primarily on the ground that failure on the part of the Government to send her training at Bhavani Sagar Institute alone contributed for the delay in acquiring the service qualification. The order is under challenge at the instance of the District Collector, Tiruppur.

2. We have heard the learned Additional Government Pleader on behalf of the appellant and the learned counsel for the respondent.

3. The respondent was appointed as Junior Assistant and she was allotted to the Rural Welfare Department. The respondent joined the service on 2 June 2009. She was due for promotion to the post of Assistant. However, her name was not included in the panel for the year 2012-2013 as she failed to work as Rural Welfare officer Grade II for one year as on 15 March 2012. Subsequently, she was promoted as Assistant. The respondent therefore filed a writ petition to include her name in the list of Assisants for the year 2012-2013 in appropriate place based on her seniority in the feeder category.

4. The learned single Judge found that action was not taken by the appellant to send the respondent for training at Bhavani Sagar Institute before the crucial date. The learned single Judge therefore issued a Mandamus as prayed for by the respondent.

5. There is no dispute that initially the respondent was sent for training. However, she failed. Thereafter, she was not sent for training inspite of a provision for such training once in six months. It is a matter of record that till the crucial date viz., 15 March 2012, the respondent was not sent for training. Her name was therefore not included for further promotion.

6. The learned sinlge Judge rightly allowed the writ petition by observing that it was only on account of the delay in sending her to undergo the training, she could not pass the test before the cut off date. The learned Judge was correct in his finding that the respondent should be considered for promotion without insisting the service qualification of one year as Assistant. We do not find any reason to take a different view in the matter.

7. In the up shot, we dismiss the intra court appeal. No costs. Consequently, connected miscellaneous petition is closed.

svki

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

To

The District Collector(PD Section)

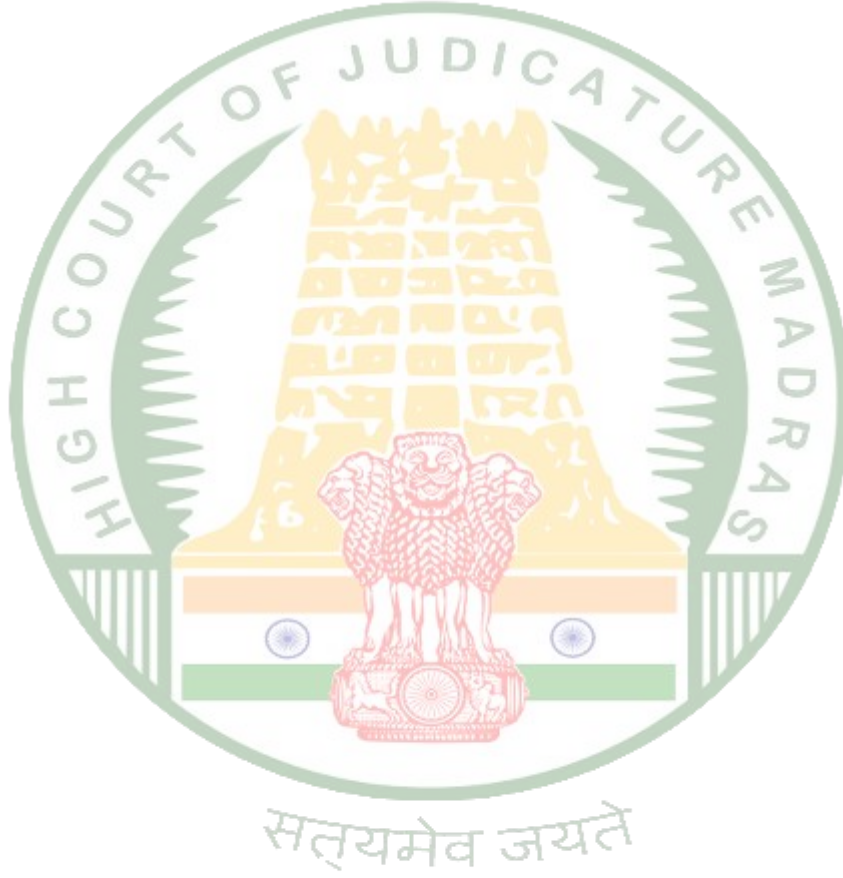
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W.A.No.499 of 2016



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