

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2018

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31415 of 2018

S.R.Elanchezian

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Petitioner

Vs

1.The State of Tamil Nadu
rep.by its Principal Secretary to Government
Environment and Forest Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Road, Guindy, Chennai-600 032.

3.The Member Secretary
Tamil Nadu Pollution Control Board
No.76, Mount Road, Guindy,
Chennai-600 032.

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Respondents

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.K.K.Ramesh
Government Advocate (Forests)

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to pass orders granting promotion to the petitioner under Physically Handicapped (P.H) category retrospectively in the first level promotion to the post of Deputy Chief Scientific Officer and further promotion to the post of Chief Scientific Officer under PH category by taking appropriate decision based on the ratio laid down by Honourable Supreme Court of India in Rajeev Kumar Gupta and Others Vs Union of India case reported in 2016 (13) S.C.C.153, by considering the representations submitted by the petitioner dated 01.10.2018 and 17.10.2018 within a time frame to be fixed by this Honourable Court.

O R D E R

The petitioner, a physically handicapped person, qualified with M.Sc (Botany, was selected and appointed as Junior Assistant on 30.01.1989 in TNPCB under PH category vide proceedings dated 20.01.1989, subsequently redesignated as Environmental Scientist on 20.01.1989. The petitioner was promoted on 17.06.2013 as Deputy Chief Scientific Officer .

2. Thereafter, claiming that she is entitled to be promoted as Chief Scientific Officer under P.H. Category, she gave a representation to the respondents on 17.10.2018 based on the ratio laid down by Honourable Supreme Court of India in Rajeev Kumar Gupta and Others Vs Union of India case reported in 2016 (13) S.C.C.153. As the same has not been considered, the petitioner has filed the present writ petition.

3. Mr.K.K.Ramesh, learned Government Advocate takes notice on behalf of the respondents.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representation of the petitioner dated 17.10.2018 and pass orders on the same within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 17.10.2018, and pass orders thereon, in the light of the judgment of the Honourable Supreme Court referred in paragraph No.2 supra, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kst

To

1.The State of Tamil Nadu
rep.by its Principal Secretary to Government
Environment and Forest Department,
Secretariat, Fort St.George, Chennai-600 009.

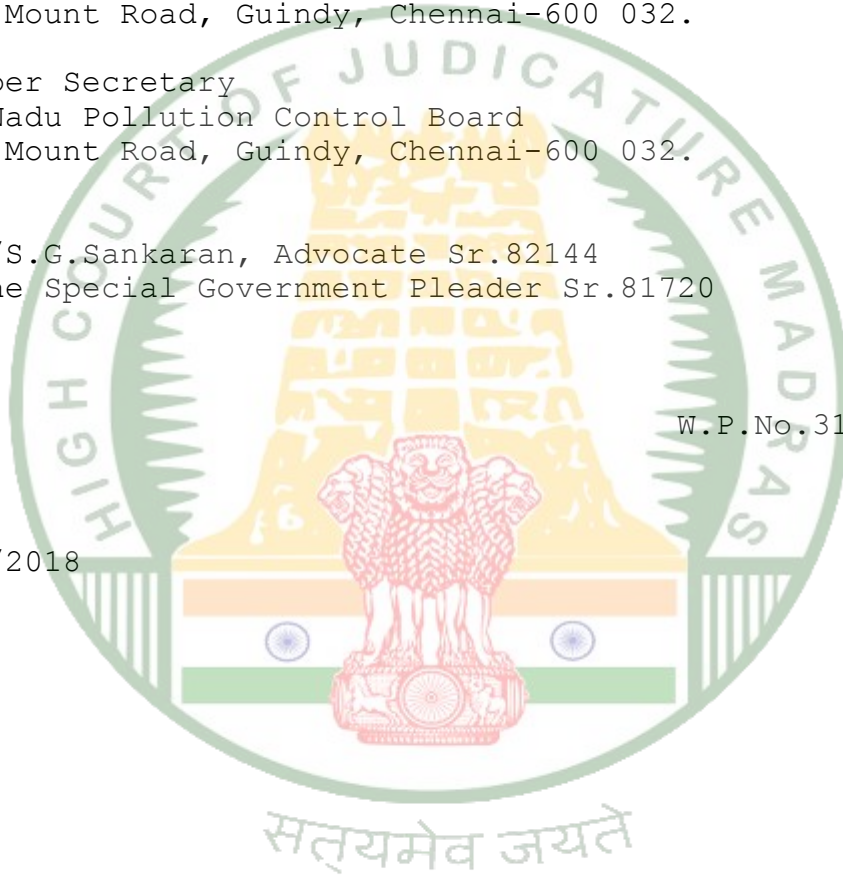
2.The Chairman
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3.The Member Secretary
Tamil Nadu Pollution Control Board
No.76, Mount Road, Guindy, Chennai-600 032.

+lcc to M/S.G.Sankaran, Advocate Sr.82144
+lcc to the Special Government Pleader Sr.81720

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srg 24/12/2018



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