

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO. 33695 of 2018

R.Rajendran

.... Petitioner

Vs

1.The State of Tamilnadu Represented
by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Krishnagiri.

4.The District Educational Officer,
Krishnagiri.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to pass orders on the proposals sent by the 2nd respondent in Na.Ka.No.55260/A5/E4/2016 dated 14.05.2018 as could be evidenced in the proceedings of the second respondent in O.Mu.No.30345/A5/E4/2018 dated 02.07.2018 for granting notional promotion to the petitioner to the post of Laboratory Assistant from date of Promotion given to his Juniors Shantha and Selvam with all consequential benefits and to fix the basic pay of the petitioner herein on par with the basic pay fixed for his juniors and consequently revise his pension in the light of the representation of the petitioner dated 04.08.2012 and as per the order made in WP.No.31769 of 2012 dated 05.08.2016.

For Petitioner : M/s.Selvathirumurugan

For Respondents : Mrs.P.Kavitha-Government Advocate

O R D E R

The grievance of the petitioner is that he ought to have been given notional promotion to the post of Laboratory Assistant from the date of promotion given to his juniors Shantha and Selvam and to fix the basic pay of the petitioner on par with the basic pay fixed for his juniors and consequently revise his pension in the light of the representation of the petitioner dated 04.08.2012 and as per the order made in W.P.No.31769 of 2012 dated 05.08.2016.

2. The brief facts leading to the present writ petition is as follows. The petitioner submitted a representation to the respondents on 04.08.2012 requesting the respondents to give notional promotion from the date of promotion to the post of Laboratory Assistant from the date of promotion given to his juniors, and as the same was not considered, the petitioner filed a W.P.No.31769 of 2012. This Court, by an order dated 05.08.2016 directed the authorities concerned to consider the representation and pass orders on merits and in accordance with law. Pursuant to the same, an order dated 09.11.2016 was passed by the third respondent, granting promotion to the petitioner to the post of Laboratory Assistant with effect from the date of promotion given to one of his juniors Selvam, but declining the claim of the petitioner on par with another junior Shantha. Thereafter the fourth respondent, in his letter dated 09.05.2018, cancelled the order passed by the third respondent dated 09.11.2016, granting promotion the petitioner.

3. The petitioner again sent a representation dated 14.05.2018, seeking appropriate relief. The Joint Director of School Education, in his letter dated 02.07.2018, replied to the petitioner that a proposal dated 14.05.2018 has been sent to the Government for consideration of his representation and appropriate relief. Thereafter, the petitioner has sent representations dated 04.09.2018 and 19.09.2018, requesting for status of the proposal, which did not evoke any response. The petitioner took out an application under Right to Information Act, to which the second respondent, by his letter dated 11.10.2018, replied that the proposal had been sent to the Government, the same is under consideration of the Government and that he would be informed of the status of the same once Government Orders are issued. Therefore, the petitioner has filed the present writ petition for appropriate relief.

4. Learned counsel for the petitioner submits that the petitioner is 67 years old at present and any further delay in granting the relief to the petitioner by the respondents would not serve any purpose, and that if the said promotion is granted with retrospective effect from the date of promotion given to his juniors, the petitioner will be entitled for more pension.

5. Ms.P.Kavitha, learned Government Advocate takes notice on behalf of the respondents and submits that the Government shall be directed to consider the proposal and to pass suitable orders.

6. Considering the facts and circumstances, the respondents, especially the first respondent is directed to consider the proposal dated 14.05.2018, sent by the second respondent and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Krishnagiri.

4.The District Educational Officer,
Krishnagiri.

+1cc to Mr.S.Selvathirumurugan, Advocate Sr.88250
+1cc to the Government Pleader Sr.88979

W.P.No. 33695 of 2018

sr[co]
srg 24/01/2019