



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.3931 of 2018

and

WMP (MD) Nos.4077 and 4078 of 2018

K.Udayakumar

... Petitioner

Vs.

1.The Commissioner of Milk Production
and Dairy Development,
Madhavaram Milk Colony,
Chennai - 600 051.

2.The Managing Director,
Tamil Nadu Co-operative Federation
Limited,
Aavin Illam, Madhavaram,
Chennai - 600 051.

3.The Deputy Registrar (Dairying),
Old Collector Office Campus,
Court Road, Thanjavur.

4.The General Manager,
Thanjavur District Co-operative
Milk Producers Union Ltd,
Nanjikottai Road,
Thanjavur - 613 006.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the Advertisement No.1/2017 dated 09.10.2017 issued by the fourth respondent specifically in so far as the post of Technician (Electrical) alone and quash the same and to direct the fourth respondent to promote the petitioner to the post of Technician (Electrical) by considering his qualification.

For Petitioner

: Mr.A.Thirumurthy

For Respondents

: Mr.N.Manoharan,
Additional Advocate General
for R4

**ORDER**

The petitioner is working as a Special Grade Senior Factory Assistant in the fourth respondent Union. The petitioner seeks promotion to the post of Technician (Electrical). His case for promotion rests on the circular issued by the General Manager/fourth respondent on 06.06.2016. The petitioner is having the qualifications required for being posted as Technician (Electrical). Therefore, he is aggrieved by the move of the employer for direct recruitment to the said post. An advertisement was issued in this regard.

2.The petitioner filed WP(MD)No.19350 of 2016 and this Court directed the employer to keep one post of Technician (Electrical) vacant. Such a direction was given taking note of the submission that there was only one post available to be filled up. The management has now issued the impugned notification dated 09.10.2017 calling for applications from eligible candidates for filling up for the said post of Technician (Electrical). Contending that this is clearly violative of the interim order passed by this Court, this writ petition has been filed.

3.When the matter was taken up for hearing, the learned Additional Advocate General submitted that actually there are three posts of Technician (Electrical) available as per the sanctioned cadre strength and that only one person is now holding the said post. According to the learned Additional Advocate General, there are two vacancies. At present, only one vacancy is intended to be filled by way of direct recruitment. Since there is compliance of the interim direction given by this Court on 05.10.2016 in WMP(MD) No.13954 of 2016 in WP(MD)No.19350 of 2016, one post has been kept vacant. The petitioner's interests are sufficiently safe guarded by keeping one post of Technician (Electrical) vacant. The petitioner cannot really have any grievance with regard to the impugned selection process.

4.Recording the said submission, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

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and Dairy Development,
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+1CC to Mr.A.Thirumurthy Advocate in SR.No.51140.

+1CC to Mr.N.Manoharan Advocate in SR.No.52053.

SKM

DS/SV/SAR-2 :12.07.2018: 3P/7C

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