



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
W.P. (MD) No.13458 of 2018

WEB COPY

A.Ramesh

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Commissioner,
Technical Education,
Chennai - 25.

3.The Principal,
Arulmighu Palaniandavar Polytechnic College,
Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the 1st respondent to grant notional promotion to the post of Instructor to the petitioner with effect from 02.06.1997 instead of 12.09.2001 with pay all other service and monetary benefits in the light of G.O.No.1364 dated 16.08.1988, G.O.No.1081 dated 19.08.1989, G.O.No.534, dated 19.11.2004 and G.O.No.184, dated 15.10.2014 within the time limit stipulated by this Honble Court.

For Petitioner : Mr.Singaravelan,
Senior Counsel
for Mr.D.Selvanayagam

For Respondents : Mrs.S.Srimathy,
Special Government Pleader
for R.1 & R.2
Mr.K.Govindarajan for R.3

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent to grant notional promotion to the post of Instructor to the petitioner with effect from 02.06.1997, instead of 12.09.2001, with all other service and monetary benefits in the light of G.O.No.1364 dated 16.08.1988; G.O.No.1081 dated 19.08.1989; G.O.No.534, dated 19.11.2004; and G.O.No.184, dated 15.10.2014 within the time that may be stipulated by this Court.



2. Heard Mr.Singaravelan, learned Senior Counsel for Mr.D.Selvanayagam, learned Counsel appearing for the petitioner, Mrs.S.Srimathy, learned Special Government Pleader, who takes notice for respondents 1 & 2 and Mr.K.Govindarajan, learned Counsel, who takes notice for the third respondent.

3. The learned Senior Counsel would submit that, the petitioner had been appointed originally in the year 1986 as Junior Draughtsman and thereafter, based on his qualification which he acquired, he was promoted as Instructor from 12.09.2001 and thereafter, from 2010, he was promoted and posted as Lecturer. In this regard, the petitioner had made a request that as per the relevant Government Orders, he should have been given the promotion as Instructor from 02.06.1997 and Lecturer from 01.05.1999. The said request of the petitioner had been duly recommended and forwarded by the third respondent institute to the first respondent for necessary action. Even though the said request has been made by the petitioner and recommendation also has been made by the third respondent, since the first respondent has not passed any orders so far, the petitioner seeks indulgence of this Court that if a direction is given to the first respondent to pass orders on the request of the petitioner, dated 06.06.2018, as forwarded by the third respondent dated 19.06.2018, on merits and in accordance with law, within a stipulated time limit, the petitioner would be satisfied.

4. Mrs.S.Srimathy, the learned Special Government Pleader appearing for respondents 1 & 2, would submit that the said request of the petitioner, dated 06.06.2018, as recommended and forwarded by the third respondent dated 19.06.2018, would be considered on merits and an order to that effect would be passed, within the time frame to be stipulated by this Court.

5. Considering the said submissions made by both sides and taking into account the limited scope of the prayer sought for, this writ petition is disposed of, with the consent of both sides at the admission stage itself, with the following direction:-

"that the first respondent is hereby directed to consider the request of the petitioner, dated 06.06.2018, as forwarded with recommendation of the third respondent by his letter dated 19.06.2018 in Na.Ka.No.005/A4/2017 and pass orders thereon, on merits and also after taking into account the relevant Government Orders through which the petitioner is claiming such promotion with retrospective effect, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

Sd/-

Assistant Registrar(t&p)

/True Copy/



To
WEB COPY

1.The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai - 9.

2.The Commissioner,
Technical Education,
Chennai - 25.

- 1 CC TO Mr.D.Selvanayagam , ADVOCATE IN SR No. 69655.
- 1 CC TO Mr.K.Govindarajan , ADVOCATE IN SR No. 70111.

GK

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W.P.(MD)No.13458 of 2018

25.06.2018