



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13953 of 2018

S.Nageswaran

... Petitioner

-Vs-

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2. The Regional Special Deputy Collector,
Refugee Camp, Kottapattu,
Tiruchirapalli East Taluk,
Tiruchirapalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent i.e., the District Collector, Tiruchirapalli to pass appropriate reasoned orders on the proposals sent by the Regional Special Deputy Collector, Refugee Camp, Kottapattu, Tiruchirapalli in his letter No.A/51/2011 dated 07.03.2018 regarding promotion as Junior Assistant of the petitioner, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent i.e., the District Collector, Tiruchirapalli to pass appropriate reasoned orders on the proposals sent by the Regional Special Deputy Collector, Refugee Camp, Kottapattu, Tiruchirapalli in his letter No.A/51/2011 dated 07.03.2018 regarding promotion as Junior Assistant of the petitioner, within a specified time frame that may be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.S.Visvalingam, learned counsel appearing for the



petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who takes notice on behalf of the respondents.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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4.The petitioner was temporarily appointed as Electrician cum Plumber cum Watchman on daily wage basis on 16.11.1992 in the Refugee Camp at Kottapattu, Tiruchirapalli District by the Special Deputy Collector, Refugee Camp, Kottapattu, Tiruchirapalli District. Accordingly, the petitioner joined duty on 30.11.1992 and his educational qualification even at the time of appointment was S.S.L.C., I.T.I. Certificate in Electrician Trade.

5.Accordingly, the petitioner had been continuously working therein. However, his service was not regularised. Therefore, the petitioner had approached this Court in W.P.(MD)No.1585 of 2011, wherein an order was passed on 12.02.2014. Pursuant to which the Government issued G.O.(Perm)No.137, Revenue Department, dated 25.04.2017, whereby the service of the petitioner was regularised by bringing him under the regular time scale of pay in the cadre of Office Assistant with effect from 30.11.1992. The petitioner's probation was also ordered to be declared with effect from 29.11.1993. Thereafter, the petitioner was granted selection grade and special grade. Even though, the petitioner had been working in the department for more than 20 years and he is fully eligible to be considered for the promotion to the post of Junior Assistant and there had been number of vacancies available in this regard to the post of Junior Assistant, his name was not immediately considered.

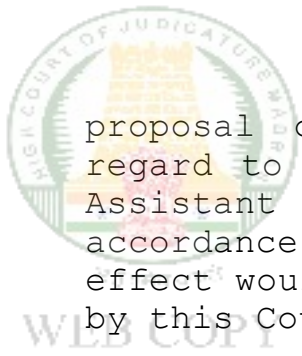
6.However, the second respondent, considering the seniority and educational qualification of the petitioner as well as the vacancy position available in the revenue unit, had forwarded the proposal for consideration of the candidature of the petitioner for giving promotion to the post of Junior Assistant, on 07.03.2018 to the first respondent.

7.Even though the said proposal was sent on 07.03.2018, the first respondent has not so far considered the same and no order has been passed.

8.In this regard, the learned counsel appearing for the petitioner would submit that if the said proposal sent by the second respondent dated 07.03.2018, is directed to be considered and an order to that effect is directed to be passed, within a time frame that may be fixed by this Court, on merits by the first respondent, the petitioner would be satisfied.

<https://hcservices.ecourts.gov.in/hcservices/>

9.I have heard the learned Special Government Pleader appearing for the respondents, who would submit that the said



proposal dated 07.03.2018 sent by the second respondent with regard to the promotion of the petitioner to the post of Junior Assistant would be considered objectively on merits and in accordance with law by the first respondent and an order to that effect would be passed, within a time frame that may be stipulated by this Court.

10. In view of the said facts and circumstances of the case and after taking into account the submissions made by both sides, this Court is inclined to pass the following order in this Writ Petition:-

"the first respondent is directed to consider the proposal sent by the second respondent in his letter No.A/51/2011, dated 07.03.2018 with regard to the claim of the petitioner for promotion to the post of Junior Assistant by taking into account the long service rendered by the petitioner as well as his educational qualification and after considering the same on merits and in accordance with law, necessary order to that effect shall be passed by the first respondent, with regard to the grievance of the petitioner, within a period of six weeks from the date of receipt of a copy of this order."

11. With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
2. The Regional Special Deputy Collector,
Refugee Camp, Kottapattu,
Tiruchirapalli East Taluk,
Tiruchirapalli.

+ 1 cc TO Mr.S.Visvalingam , Advocate in SR No. 70530
+ 1 cc TO The Special Government Pleader in SR No. 70827

Myr

AE/RSK/SAR1/10.07.2018/3P/5C