

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 23390 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent temple in not promoting the petitioner to the post of Senior Assistant by taking into consideration Rule 39 of G.O.Ms.No.888 dated 08.12.2000, though the said Rule is not applicable to the employees of the 1st respondent temple, as illegal, arbitrary and against the judgment in W.A.No.1392 of 2001 dated 16.10.2001 and further declare that Column No.4 of Annexure-III insofar as Category-3 of said G.O., as illegal, void and redundant. A consequential direction is also sought to the 1st respondent to promote the petitioner to the post of Senior Assistant by duly taking into consideration of seniority ~~without~~ reference to the said G.O.

2. Heard Mr. N. Guru Gopal, learned counsel for the petitioner, learned counsel for 1st respondent temple, and learned Government Pleader for Endowments appearing for the 2nd respondent.

3. It has been contended by the petitioner that he was initially appointed as a Junior Assistant on compassionate grounds in the 1st respondent temple on 28.05.2003. As per the cadre strength sanctioned to the 1st respondent temple, four posts of Senior Assistants are available. But, the Government appointed the 3rd respondent to work on deputation basis as a Senior Assistant in the 1st respondent temple vide G.O.Rt.No.321 dated 25.03.2010. Though he is eligible

and fully qualified to be promoted to the post of Senior Assistant, his case was not considered. Hence, the present writ petition is filed.

4. Learned counsel for the 1st respondent temple has submitted that the case of the petitioner will be considered, as and when the 1st respondent temple fills up the post of Senior Assistant.

5. In view of the submission made by the learned counsel for the 1st respondent temple, the writ petition is disposed of, directing the respondent Nos.1 and 2 to consider the case of the petitioner for promotion to the post of Senior Assistant, if he is otherwise suitable and eligible, by duly taking into account the judgment rendered by this Court in W.A.No.1392 of 2001 and batch dated 16.10.2001.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

28th August, 2018
cbs

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Writ Petition No. 23390 of 2010
(disposed of)

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