

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.10840 of 2005

And

W.P.M.P.No.11772 of 2005

M.Subramanian

... Petitioner

Vs

1.The Administrator,
Nadipissai Pulavar, K.R.Ramaswamy,
Co-operative Sugar Mills Ltd.,
Thalainayar,
Mayiladudurai Taluk,
Nagapattinam District - 609 201.

2.The Commissioner/Director of Sugar,
690, Anna Salai,
Periyar Building,
Chennai-600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the second respondent in Rc.No.425/A&I-1/2005, dated 11.3.2005 and quash the same and consequently, direct the respondents to appoint the petitioner herein to the post of Office Manager in the first respondent Sugar Mill as per the guidelines issued in circular Rc.No.G1/25600/99, dated 26.8.1999 of the second respondent.

For Petitioner : Mr.R.Diwakaran for
Ms.D.Geetha.

For Respondent-1 : Mr.R.Gopinath

For Respondent-2 : Mrs.T.Girija,
Government Advocate (Co-op.).

O R D E R

The relief sought for in the present writ petition is to quash the interview letter sent by the Director of Sugar in proceedings dated 11.3.2005 and direct the respondents to appoint the writ petitioner to the post of Office Manager in the first respondent-Sugar Mill.

2. The writ petitioner was holding the post of Superintendent and even at the time of filing of the present writ petition, the writ petitioner was aged about 54 years and now he would be around 67 years.

3. This apart, the writ petitioner is challenging the letter of the Director of Sugar addressed to the Special Officer of all Co-operative and Public Sector Sugar Mills.

4. The Office Manager post is a selection post and therefore, the Director of Sugar issued a circular to all the Sugar Mills to conduct the selection process and appoint the meritorious candidates based on the selection merit.

5. The writ petitioner claims that by virtue of his seniority, he must be appointed as Office Manager. When the post is declared as a selection post, the authorities competent are bound to conduct the selection process by following the recruitment rules in force. Thus, there is no infirmity in respect of the circular issued by the Director of Sugar Mill in proceedings dated 11.3.2005

6. This apart, the writ petitioner has already attained the age of superannuation and retired from service and therefore, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Administrator,
Nadipissai Pulavar, K.R.Ramaswamy,
Co-operative Sugar Mills Ltd.,
Thalainayar,
Mayiladudurai Taluk,
Nagapattinam District - 609 201.

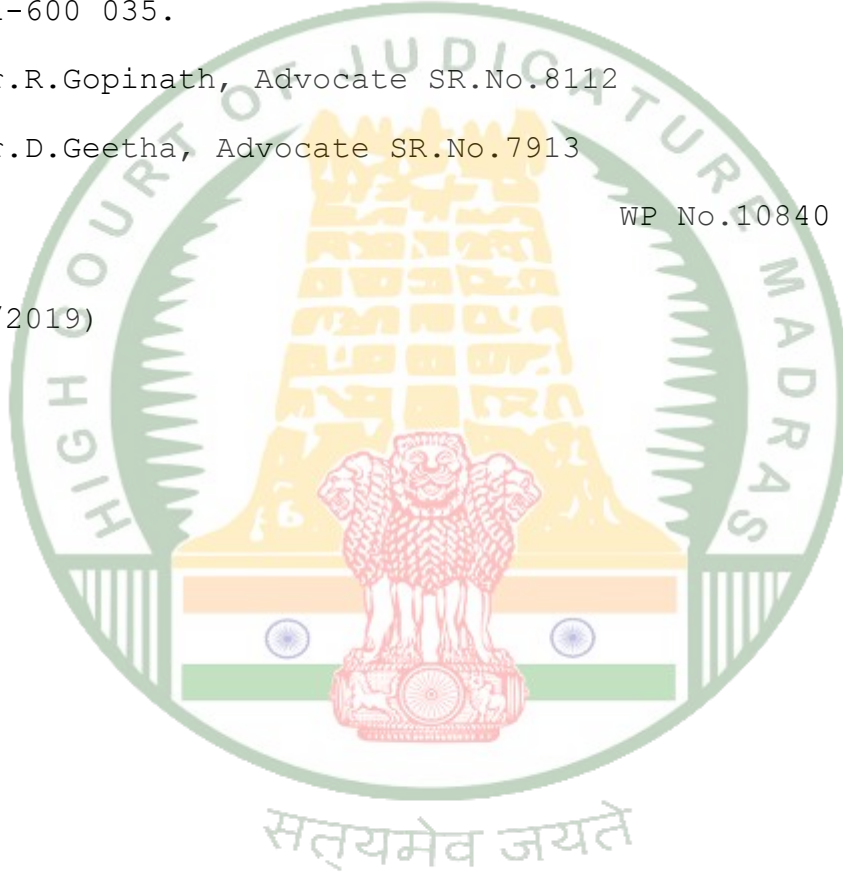
2.The Commissioner/Director of Sugar,
690, Anna Salai,
Periyar Building,
Chennai-600 035.

+1cc to Mr.R.Gopinath, Advocate SR.No.8112

+1cc to Mr.D.Geetha, Advocate SR.No.7913

WP No.10840 of 2005

SSI (CO)
GMY (21/02/2019)



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