

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.3593 of 2019
and
W.M.P.No.3938 of 2019

Dr.M.Vijayakumar

..Petitioner

vs

1.State of Tamil Nadu
Represented by its Principal Secretary
Animal Husbandry, Dairy and Fisheries Department, (AH7)
Fort St.George, Chennai - 600 009.

2.The Director of Animal Husbandry & Veterinary Services
Veterinary Hospital Campus
Nandanam
Chennai - 600 035.

3.The Joint Director of Animal Husbandry Department
Namakkal, Namakkal District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the objections of the petitioner dated 31.01.2019 to G.O.Ms.No.1 dated 11.01.2019 with respect to his non-inclusion in the panel for promotion to the post of Joint Director by taking into consideration the fact that the petitioner is senior to those included in the panel by taking into account his appointment to the post of Deputy Director on 07.04.2017 or in the alternative on 11.06.2018 after G.O.Ms.No.229 dated 11.06.2018 and accordingly grant the petitioner with promotion to the post of Joint Director on the date on which his junior was promoted to the post of Joint Director and other consequential service and monetary benefits.

For Petitioner : M/s.Dakshayani Reddy
for M/s.P.Nethaji

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the objections of the petitioner dated 31.01.2019 to G.O.Ms.No.1 dated 11.01.2019.

2.G.O.(2D).No.1, Animal Husbandry, Dairying and Fisheries (AH7) Department dated 11.01.2019 is an approved panel for promotion to the Post of Joint Director of Animal Husbandry. The said Government order itself says that "any person who wishes to make representation against non inclusion of his/her name in the panel shall do so within a period of two months from the date of issue of this order".

3.The learned counsel for the writ petitioner states that pursuant to the opportunity to be provided by the Government in the said G.O.(2D).No.1, the writ petitioner submitted his objections on 31.01.2019.

4.The grievances of the writ petitioner is that the objections are yet to be considered and meanwhile, the order of promotion has been issued.

5.This Court is of an opinion that there is no impediment for granting promotions as per the approved panel. However, the objections submitted by the writ petitioner is also to be considered and if his objections are accepted, then he will be eligible to get his promotion or if his objections are rejected, then he may not be eligible.

6.May that it be. The authorities competent are bound to consider the objections submitted by the writ petitioner on 31.01.2019. In this view of the matter, the 1st respondent is directed to consider the objections submitted by the writ petitioner on 31.01.2019 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the objections and other Government orders along with the orders passed in this writ petition.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary
Animal Husbandry, Dairy and Fisheries Department, (AH7)

Fort St.George, Chennai - 600 009.

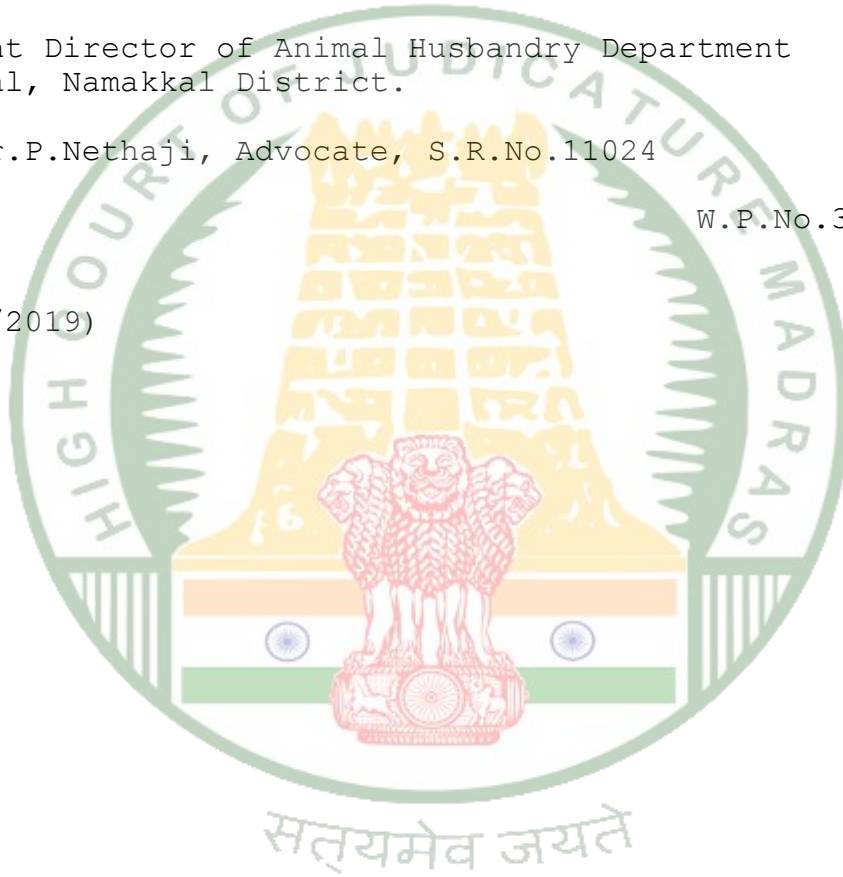
2.The Director of Animal Husbandry & Veterinary Services
Veterinary Hospital Campus
Nandanam
Chennai - 600 035.

3.The Joint Director of Animal Husbandry Department
Namakkal, Namakkal District.

+lcc to Mr.P.Nethaji, Advocate, S.R.No.11024

W.P.No.3593 of 2019

GSP(11/02/2019)



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