

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :27.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.Nos.17292 and 17296 of 2019

W.P.No.17292/2019

S.R.Elanchezhian

.. Petitioner

Vs..

1.The State of Tamilnadu,
Rep.by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

3.The Member Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to implement B.P.No.37 dated 05.10.2012 for sanctioning of the posts of Assistant Director, Chief Safety Officer and Deputy Chief Scientific Officer etc., in Scientific Service in Tamil Nadu Pollution Control Board taking into consideration of implementation of National Accreditation Board for Testing and Calibration Laboratories (NABL) for Advanced Environmental Laboratory (AEL) and consequently directing the respondents to consider the petitioner for promotion to the post of Chief Scientific Officer based on his seniority and eligibility, by considering the representation submitted by the petitioner dated 02.05.2018 and 01.10.2017, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Elumalai,
Government Advocate

W.P.No.17296/2019

S.R.Elanchezhian

.. Petitioner

Vs..

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The State of Tamilnadu,
Rep.by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

4.The Member Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pass orders for introducing cumulative clause in respect of service qualification for the post of Chief Scientific Officer in Scientific Service in Tamil Nadu Pollution Control Board Scientific Service Regulations or for relaxation of service qualification for promotion to the category of Chief Scientific Officer based on the report received from 3 Member Committee as per the proceedings of 4th respondent in Memo No.TNPCB/Per/P4/022701/2016 dated 24.04.2018 and by considering the representation submitted by the petitioner dated 01.10.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Elumalai,
Government Advocate

C O M M O N O R D E R

The case of the petitioner is that he was initially appointed as Junior Scientist in Tamilnadu Pollution Control Board (TNPCB) by direct recruitment in the year 1989. Subsequently, he was promoted as Deputy Scientific Officer (Dy.CSO) in the year 2013. The next avenue of promotion is to the post of Chief Scientific Officer (CSO). However, the required number of posts were not created, for which the board constituted a committee for re-strengthening the Pollution Control Board and subsequently eight posts were sanctioned and for creation of posts of Assistant Director, CSO and Dy.CSO in the Scientific service, the employees of the association forwarded a representation to the respondent in the year 2013 by making it clear that the required number of posts to be created in scientific service immediately without awaiting for NABL. However, the same has not been considered by the respondent, thereby the petitioner made another representation to the third respondent and thereafter, made another representation on 29.06.2017, requesting to sanction the posts of Assistant Director, C.S.O., and Deputy C.S.O., by forwarding proposal to the Government. Till date the representation has not been considered. Hence, the present writ petition is filed.

2. The learned counsel for the petitioner would further submit that it would be suffice to issue a direction to the respondents to dispose of the representation in accordance with law.

3. Without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 29.06.2017 and dispose of the same in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petitions are disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Personnel and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Principal Secretary to Government,
State of Tamilnadu,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

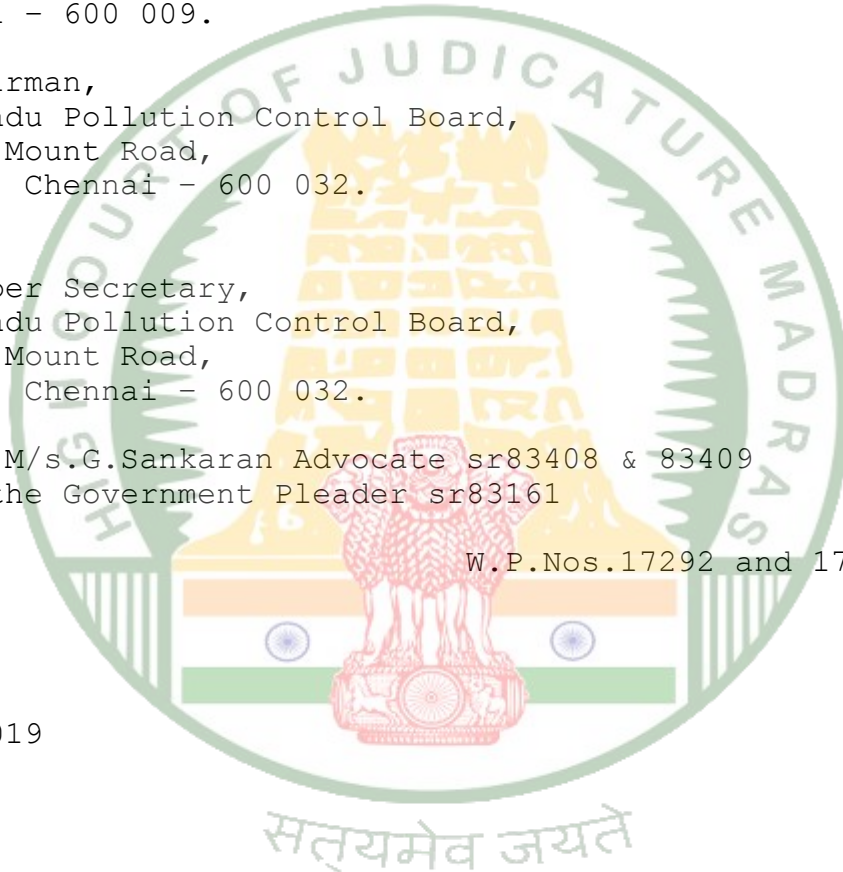
4.The Member Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai - 600 032.

+2 ccs to M/s.G.Sankaran Advocate sr83408 & 83409

+1 cc to the Government Pleader sr83161

W.P.Nos.17292 and 17296 of 2019

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