

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.23328 and 23565 of 2019

N.Jamuna Rani

... Petitioner
in both petitions

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art and Culture,
Halls Road, Egmore,
Chennai - 600 008.
3. The Principal,
Tamil Nadu Government Music College,
Dr.D.G.S.Dinakaran Salai,
Chennai - 600 028.

... Respondents
in both petitions

Prayer in W.P. Nos.23328 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to consider the claims of the petitioner and pass orders on the proposal's further details sent by the 3rd respondent in Na.Ka.No.946/B/2017, dated 12/12/2017 in regard to regularisation of the petitioner's service in the post of Bursar with all consequential benefits.

Prayer in W.P. Nos. 23565 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the claims of the Petitioner and pass orders on the Proposal sent by the 3rd Respondent in Na.Ka.No.1080/B/2013, dated 14.8.2013 in regard to Promotion of the Petitioner in the cadre of Deputy Director level.

For Petitioner : Mr.G.Elanchezhian
in both petitions

For Respondents: Mr.R.S.Selvam
Government Advocate
in both petitions

C O M M O N O R D E R

These writ petitions have been filed for issuance of a writ of mandamus, directing the 1st and 2nd respondents to consider the proposals sent by the 3rd respondent in Na.Ka.No.946/B/2017, dated 12.12.2017, with regard to regularisation of the petitioner's service in the post of Bursar and in Na.Ka.No.1080/B/2013, dated 14.08.2013, with regard to promotion of the petitioner to the cadre of Deputy Director.

2.The case of the petitioner is that she was appointed as Junior Assistant on 17.11.1988 and posted in the Directorate of Technical Education, Guindy, Chennai, and then, she was promoted as Assistant on 22.01.1996 and posted to Directorate of Art and Culture, Chennai, and further, she was promoted and posted as Office Superintendent on 22.12.2004. The State Government of Tamil Nadu, in order to have efficient and effective functioning of music colleges, created a post called Bursar in Government Music College, which is said to be equivalent to the post of Assistant Director of Art and Culture. Accordingly, the petitioner was appointed as Bursar from the post of Superintendent on 07.09.2007 and she has been working in the said post till date. However, even after a lapse of 12 years, her services have not been regularized in the post of Bursar. The petitioner made a representation to the 3rd respondent in this regard and the 3rd respondent sent a proposal dated 12.12.2017 to the 2nd respondent and thereafter, the same was transmitted to the 1st respondent for further action, but the same is still pending with the 1st respondent, without any progress.

3.In the meantime, one Mr.Kumar, who is junior to the petitioner was appointed as Assistant Director in the year 2009 and he was further promoted as Deputy Director of Art and Culture, whereas, it is the case of the petitioner that she, being the senior, ought to have been promoted to the post of Deputy Director. The petitioner submitted a representation dated 14.08.2013 to the 3rd respondent in this regard and the 3rd respondent sent a recommendation to the 1st respondent to promote the petitioner as Deputy Director of Art and Culture and the same is still pending with the 1st respondent. It is

also stated that the 2nd respondent has sent a proposal to the Government on 29.01.2018, to upgrade the post of Bursar to the level of Deputy Director, as the petitioner's juniors are moving to the cadre of Deputy Director, but, the said proposal is also still pending with the 1st respondent, without any progress. Due to the inaction of the 1st respondent, the petitioner's services are not regularized till date, as a result of which, the petitioner is not in a position to get promoted to the post of Deputy Director. Hence, the petitioner has come forward to file these writ petitions.

4. Heard learned counsel for the petitioner and learned Government Advocate, appearing for the respondents.

5. Considering the limited prayer sought for by the petitioner in these writ petitions and the submissions made by the learned counsel on either side, it would suffice, if a direction is issued to the 1st respondent to consider the proposals made by the 3rd respondent dated 12.12.2017 and 14.08.2013, pending with the 1st respondent for further action, and pass orders on merits and in accordance with law, as expeditiously as possible and in any event, not beyond a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions are disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art and Culture,
Halls Road, Egmore,
Chennai - 600 008.

3.The Principal,
Tamil Nadu Government Music College,
Dr.D.G.S.Dinakaran Salai,
Chennai - 600 028.

+1 CC to The Govt. Pleader sr 87321

+2 Ccs to Mr.G.Elanchezhiyan, Advocate sr 86727 & 86728.

W.P. Nos.23328 and 23565 of 2019

PA (CO)
SP (22/11/2019)



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