

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 27158 of 2019

T.Vedavyasan

..Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government
Department of Labour and Employment,
Fort St.George, Chennai - 600009.

2. The Commissioner,
Department of Employment & Training,
Guindy,
Chennai - 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Mandamus, directing the respondents to
appoint the petitioner to the post of Assistant
Director/principal in the existing vacancies of Employment and
Training Department, as requested in his representation dated
09.07.2018.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mrs.R.Janaki

Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for the
issuance of a Writ of Mandamus, directing the respondents to
appoint the petitioner to the post of Assistant
Director/principal in the existing vacancies of Employment and
Training Department, as requested in his representation dated
09.07.2018.

2. The case of the petitioner is that he was appointed as
Block Manager in the AGROFED on 01.09.1986, in the time scale of
905-45-1445-50-1545 as per the proceedings No.Adm. 3/4771/86

dated 19.08.1986 of the Managing Director, ENCOFED, Madras, subsequently revised as per the recommendation of fourth Pay Commission, to the time scale of 1640-60-2600-75-2900 further revised to 55-175-9000, as per the recommendation of Fifth Pay Commission, which was equivalent to 9300-34800+Rs.4400, as per the recommendation of the sixth pay commission and equivalent to 35900 - 113500 (Level 13) as per the Seventh pay commission in the revised scale of pay. Thereafter, the petitioner was elevated to Selection Grade on 02.10.1998 in the time scale of Rs. 6500-200-10500 vide proceedings dated 05.11.2001 of the Managing Director, AGROFED, Chennai, which was revised as per the recommendation of the sixth Pay Commission as 9300-34800+Rs.4600 and 36400 - 115700 (Level 16) as per the Seventh pay commission in the revised scale of pay.

3. The learned counsel appearing for the petitioner would submit that the petitioner was retrenched from service due to closure of AGROFED. Since, there is no individual cause for his retrenchment, and the termination order issued by the Special Officer, AGROFED is set aside, the petitioner should be given equal cadre of post with seniority at the time of re-employment. But, the petitioner was given lower cadre and salary without considering his past experience. Hence, the petitioner is constrained to prefer this writ petition.

4. The learned counsel for the petitioner would now submit that it would suffice, if this Court issues a direction to the 2nd respondent to consider their representation dated 09.07.2019 within a stipulated time frame fixed by this Court.

5. The learned counsel appearing for the respondents conceded to the requests made by the petitioner.

6. Considering the submissions made by the learned counsel for both sides and without expressing any opinion on merits, I am inclined to issue a direction to the 2nd respondent to dispose of the Writ Petitioners' representations dated 09.07.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kmm

To

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government
Department of Labour and Employment,
Fort St.George, Chennai - 600009.

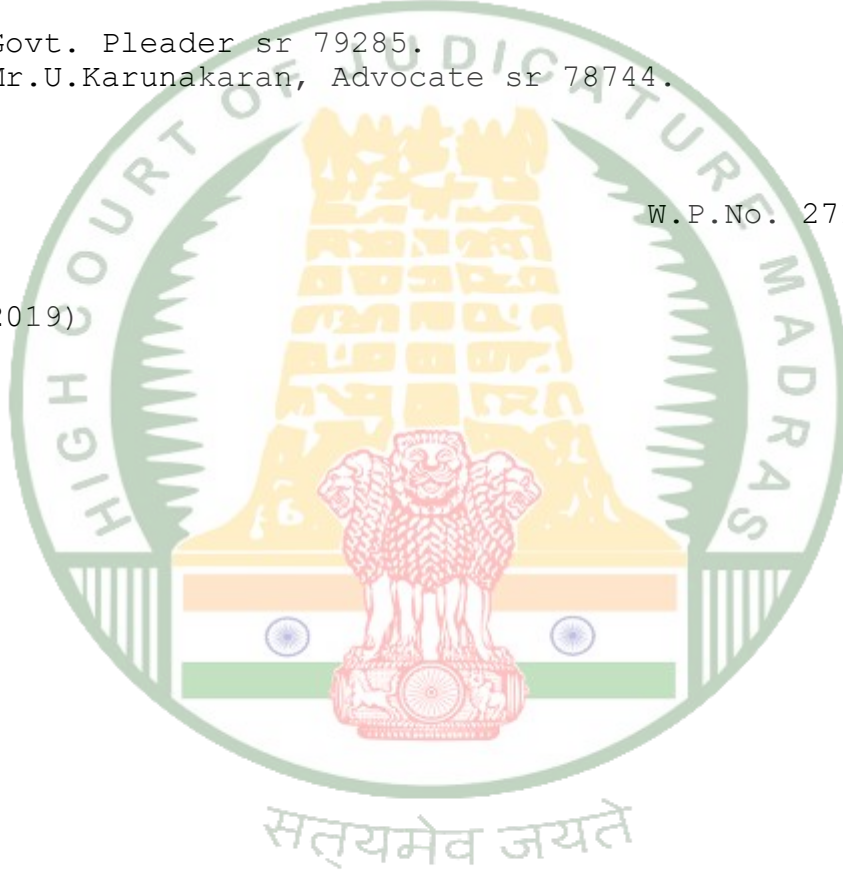
2. The Commissioner,
Department of Employment & Training,
Guindy,
Chennai - 600 032.

+1 CC to Govt. Pleader sr 79285.

+1 CC to Mr.U.Karunakaran, Advocate sr 78744.

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PVS (CO)
SP(15/11/2019)



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