

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.02.2019

CORAM
THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11001 of 2017

K. V. Vijayan

...Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Secretary to Government,
Higher Education Department,
Fort. St. George,
Chennai-600 009.

2. Additional Director (Polytechnic)
Director of Technical Education,
Chennai- 600 025.

3. Government Polytechnic College,
Represented by its Principal
Coimbatore, 641 014.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ and in particular a writ of mandamus or any other writ, order or direction in the nature of writ directing the respondents to promote the petitioner as Instructor (Mechanical) with effect from 1.03.1986, lecturer with effect from 1.03.1989, upgraded senior lecturer with effect from 1.03.1999, upgraded Head of the Department with effect from 01.03.1999, upgraded Head of the Department with effect from 01.03.2009 and consequently grant the seniority and monetary benefits from the date based on G.O.Ms. No.472 dated 10.09.1998, G.O.Ms. No.89 dated 31.03.2009, and proceedings No 22104/B4/2012-1 dated 24.12.2012 and 06.12.2013 by which similarly placed persons like me namely Mr. Vinayagamoorthy, G. Mathivanan, A. Albert Jesudas, N. Arunachalam, R. Rajagopalan, K.Raju, Mrs. Esther Suganthi Pramod, J. Megala, J. Vijaya, P. Shanbagavalli and B. Senthamizh Chelvi who were given retrospective promotion.

For Petitioner : Ms. A.V. Bharathi
for Mr.E.Martin Jayakumar.
For Respondents : Mr. Zakkir Hussain,
Government Advocate

O R D E R

The petitioner seeks a writ of mandamus directing the respondents to promote him as an instructor (Mechanical), with effect from 1.03.1986, Lecturer, with effect from 1.03.1989, upgraded senior lecturer with effect from 01.03.1999, upgraded Head of the Department with effect from 01.03.1999, and consequently grant the seniority and monetary benefits from the date based on G.O.Ms. No.472 dated 10.09.1998, G.O.Ms. No.89 dated 31.03.2009, and proceedings No 22104/ B4/2012-1 dated 24.12.2012 and 06.12.2013 by which similarly placed persons who were give retrospective promotion with benefits.

2. Learned counsel for the petitioner relies on a slew of orders passed by this Court granting identical relief as sought now in the case of similarly placed petitioners.

3. Mr.Zakkir Hussain, learned learned Government Advocate appearing for respondents 1 and 2, does not dispute the position that relief as prayed for in this Writ Petition has been consistently granted to similarly placed persons, such as the petitioner before me.

4. In the aforesaid circumstances, following the rationale of decisions of this Court passed by the Division Bench in a batch of Writ Appeals in W.A.Nos.207, 208, 238, 259 of 2002 W.A.No.1039 of 2006 dated 01.08.2007 and W.P.No.25607 of 2014 dated 19.09.2014, this Writ Petition is allowed. Necessary orders in line with the aforesaid directions shall be passed by the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is allowed in the above terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

1.The Secretary to Government,
Higher Education Department,
Fort. St. George, Chennai-600 009.

2.Additional Director (Polytechnic)
Director of Technical Education, Chennai- 600 025.

3.The Principal
Government Polytechnic College,
Coimbatore, 641 014.

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.17101
+1cc to the Government Pleader, S.R.No.17001

W.P.No.11001 of 2017

PM(CO)

RRS (28/03/2019)



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