

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30814 of 2019

S.R.Elanchezhian

..Petitioner

vs

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

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 05.06.2015 for revision of roster point of the petitioner in the seniority list as already carried out in the official records maintained in the computer of the Corporate Office of the respondent board, with consequential revision of seniority and promotion to the post of Chief Scientific Officer, within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 05.06.2015 for revision of

roster point of the petitioner in the seniority list as already carried out in the official records maintained in the computer of the Corporate Office of the respondent board, with consequential revision of seniority and promotion to the post of Chief Scientific Officer, within the time frame to be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was initially appointed as Junior Scientist in Tamil Nadu Pollution Control Board by direct recruitment in the year 1989 and subsequently, promoted as Deputy Scientific Officer in the year 2013. The next avenue of promotion is to the post of Chief Scientific Officer. The petitioner was selected and appointed to the post of Junior Scientist and his appointment was made under priority category of physically handicapped in MBC reserved category. While so, the seniority list of Junior Scientist was re-designated as environmental scientist, based on communal rotation in 1996, the petitioner was given the placement as BC roster instead of MBC roster contrary to his term of appointment. Thereafter, the petitioner has made an objection. The respondent Board has entered the petitioner's name in MBC in Service Register in computer maintaining the official records in Corporate Office including his personal records in Corporate Office. However, the same was not brought for implementation. The juniors were given further promotion to the post of Chief Scientific Officer on 13.08.2019 without considering the request of the petitioner for revision of roster point and fixation of seniority on that basis. Therefore, the petitioner has made representations dated 05.06.2015 and 06.10.2015 through proper channel. However, the petitioner's representations were not considered by the respondents till date. Hence this writ petition.

4. Learned counsel appearing for the petitioner submitted that though the petitioner was selected under MBC category, however, his appointment was wrongly entered as BC category. Subsequently, the petitioner has made representations to alter the communal roster as MBC. He is due to retire from service on 31.01.2020. Therefore, it would suffice, if this Court issues direction to the 3rd respondent to consider the petitioner's representations, which were submitted by the petitioner through proper channel and pass appropriate orders within the reasonable time.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs

the 3rd respondent to consider the petitioner's representations dated 05.06.2015 and 06.10.2015 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

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

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

3.The Member Secretary
Tamil Nadu Pollution Control Board
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Guindy, Chennai-600 032.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 91183

+1cc to the Special Government Pleader(F), S.R.No. 90866

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MP(CO)
GN(05/12/2019)

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