

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25690 of 2019

ORDER:

This writ petition is being disposed of at the stage of admission, with the consent of both the parties.

2. This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the claim of petitioner for assignment of notional promotion in the cadre of Office Superintendent on par with others with effect from 01.09.2016 by taking into consideration the fact that his name being approved by the selection Committee of TVVP inspite of having existing/available vacancy, as illegal, arbitrary and unconstitutional and sought a consequential direction directing the respondents to consider the claim of petitioner for assignment of notional promotion in the cadre of Office Superintendent on par with others with effect from 01.09.2016 and consider his claim for promotion to the post of Administrative Officer/Lay Secretary with all consequential benefits.

3. Heard learned counsel for the parties.

4. It has been contended by the petitioner that he was initially appointed as a Junior Assistant during November, 1993 and was promoted as Senior Assistant in August, 2003 and was further promoted as Office Superintendent on 22.05.2018. Since then, he has been discharging his duties to the best satisfaction of his superiors and every one concerned. Petitioner further submits that the respondents have

prepared a final seniority list on 08.12.2011, and in the said seniority list, the petitioner's name was placed at Serial No.9 and the name of one Sri Ahmed Hussain was placed at Serial No.10 and of Sri Sudheer was placed at Serial No.11. The grievance of the petitioner is that the juniors to the petitioner were promoted as Superintendents vide orders dated 06.06.2016, and they were placed as seniors to the petitioner. In this set of circumstances, petitioner has submitted a representation to the respondents on 17.10.2019 requesting the respondents to promote the petitioner on par with his juniors i.e. with effect from 01.09.2016, but so far, respondents have not passed any orders on the said representation, nor considered the case of the petitioner for notional promotion. Therefore, counsel for petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 17.10.2019 and pass appropriate orders in accordance with law.

5. The Standing Counsel appearing for respondents has contended that since the representation submitted by the petitioner is pending with the respondents, the respondents would consider the same and pass appropriate orders in accordance with law within a reasonable period of time.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 17.10.2019 and pass appropriate orders in accordance with

law within a reasonable period of time preferably within Eight weeks from the date of receipt of a copy of this order.

7. With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th November 2019

ajr

