

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :25.09.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.22132 OF 2013
and
W.MP.NO.13623 of 2018

P.Perumal .. Petitioner

- Vs -

- 1.The Chairman and Managing Director,
Madras Fertilizers Limited,
Manali, Chennai 600 068.
- 2.The General manager,
Personnel and Administration,
Madras Fertilizers limited,
Manali, Chennai 600 068. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to consider the petitioners representations dated 16.5.2007 and 14.12.2007 and thereby directing the respondents to promote the petitioner as Personnel Officer Hygiene officer and Welfare Officer in Personnel and Administrative Department in the respondent Madras Fertilizers Limited Manali Chennai-68 from the date of due of the promotion and pay back all the service and monetary benefits to the petitioner.

For Petitioner : Mr.B.Sundarapandian for
M/S.A.Rajesh Kanna

For Respondents: No appearance.

ORDER

This petition has been filed by the petitioner to direct the respondents to consider the petitioners representations dated 16.5.2007 and 14.12.2007 and thereby directing the respondents to promote the petitioner as Personnel Officer Hygiene officer and Welfare Officer in Personnel and Administrative Department in the respondent Madras Fertilizers Limited, Manali, Chennai-68 from the date of due of the

promotion and pay back all the service and monetary benefits to the petitioner.

2.The case of the petitioner is that he joined in the 1st respondent as Medical Assistant. After completing the relevant course the petitioner joined the Defence Service and worked as a Nursing Technician and served for more than 15 years. Though the petitioner is eligible for promotion as Personnel Officer, Hygiene Officer and Welfare Officer in any one of the reserved posts, his case was not considered for promotion so far. In this regard, the petitioner has given a complaint dated 31.10.2011 to the Chief Vigilance Officer of the respondent company about the violation of promotion policy and misuse of power due to personal influence for which the Chief vigilance officer has given reply that the matter does involve any vigilance angle. The petitioner has also submitted a representation regarding his promotion on 14.12.07, however, no order has been passed on the said representation. In such circumstances, the petitioner filed this petition with the above said prayer.

3. Learned counsel appearing for the petitioner submitted that it would suffice, this Court may issue a direction to the respondents to consider the petitioner's representation dated 14.12.2007 within a reasonable time as fixed by this Court.

4. When the case is taken up, there is no representation on behalf of the respondents inspite of the fact that the petition dates back to the year 2013. In view of the order this Court proposes to pass, the absence of the respondent in no way affects the rights of the respondents.

5. In view of the limited relief sought for, this Court without going into the merits of the issue, directs 1st respondent, to consider the petitioner's representation dated 14.12.2007 and pass orders thereon in accordance with law within a period of three months.

6. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
Madras Fertilizers Limited,
Manali, Chennai 600 068.

2.The General manager,
Personnel and Administration,
Madras Fertilizers limited,
Manali, Chennai 600 068.

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