

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4218 of 2020

S.Muthuvel

..Petitioner

.vs.

- 1.The Union of India,
Represented by its Chief Secretary,
To Government, Government of Puducherry,
Chief Secretariat,
Pondicheerry.
- 2.The Secretary to Government,
Department of Education,
Chief Secretariat,
Pondicherry.
- 3.The Principal,
The Pondicherry Engineering College,
Pillaichavady,
Pondicherry.
- 4.The Convener,
The Centralized Admission Committee (CENTAC),
The Pondicherry Engineering College,
Pillaichavady,
Pondicherry.

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to promote the petitioner to the Post of Lower Divisional Clerk with effect from 01.09.2011, and thereby consequently further promote the petitioner to the Post of Upper Divisional Clerk, as the petitioner was regularized in service with the 4th respondent on 01.09.2006, which was subsequently merged with the 4th respondent on 01.09.2006, which was subsequently merged with the service of the 3rd respondent on 05.03.2014, in pursuant to the directions of the 2nd respondent issued vide I D Note No.023734/CS/(H & T Edu.)/E.3/ 2016 dated 10.08.2018.

For Petitioner : Mr.B.Balavijayan

For R 1,R 2 & R 4 : Mr.A.V.Ramalingam
Additional Government Pleader

FOR R 3 : Mrs.N.Mala

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus, directing the 3rd respondent to grant promotion to the petitioner, pursuant to the proceedings of the 2nd respondent dated 10.08.2018.

2.The case of the petitioner is that he joined as a daily rated Clerk in the year 2001, at Indian Institute of Information Technology. This Institute got merged with the 3rd respondent College. The employees of the erstwhile Institute were also taken in by the 3rd respondent College. The petitioner was also regularised in the post of Helper in the year 2006. According to the petitioner, the 3rd respondent ought to have notionally promoted him to the post of Lower Division Clerk with effect from the year 2011 and thereafter, considered the promotion of the petitioner to the post of Upper Divisional Clerk on completion of five years. The petitioner made representations in this regard and the 2nd respondent by proceedings dated 13.03.2018, had recommended for the promotion of the petitioner to the 3rd respondent College subject to the availability of the vacancies. The grievance of the petitioner is that the 3rd respondent has not acted upon the recommendation made by the 2nd respondent and therefore, the present writ petition has been filed for appropriate directions.

3.Heard Mr.B.Balavijayan, learned counsel appearing for the petitioner, Mr.A.V.Ramalingam, learned Additional Government Pleader appearing for the respondents 1, 2 & 4 and Mrs.N.Mala, learned counsel appearing on behalf of the 3rd respondent.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition and also of the fact that the 2nd respondent has already forwarded the recommendation to the 3rd respondent on 13.03.2018 and 10.08.2018, there shall be a direction to the 3rd respondent to consider the claim of the petitioner pursuant to the above said recommendation and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary To Government,
The Union of India,
Government of Puducherry,
Chief Secretariat,
Pondicherry.

2.The Secretary to Government,
Department of Education,
Chief Secretariat,
Pondicherry.

3.The Principal,
The Pondicherry Engineering College,
Pillaichavady,
Pondicherry.

4.The Convener,
The Centralized Admission Committee (CENTAC),
The Pondicherry Engineering College,
Pillaichavady,
Pondicherry.

+1cc to Mr.B.Balavijayan, Advocate, S.R.No. 15625

+1cc to Mr.N.Mala, Advocate, S.R.No. 15604

+1cc to the Government Pleader, S.R.No. 16410

W.P.No.4218 of 2020

CP(CO)
GN(26/05/2020)



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