

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.28748 of 2013

and

M.P.No.1 of 2013 & W.MP.NO.340 of 2017

P.Udayakumar

.. Petitioner

- Vs -

1. The Secretary to Government Handlooms
Handicrafts, Textiles and Khadi Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Tamilnadu Village and Khadi
Industries Board,
rep.by the Chief Executive Officer,
Kuralagam Chennai -108.

.. 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 immediately forward, receive and consider proposals to provide proper promotional channel / avenues for the post of Supervisor (Galnut) in the Tamilnadu Khadi and Village Industries Board and further direct the second respondent to promote the petitioner with retrospective effect from the year 1991 to the post of Assistant Director with all monetary and service benefits.

For Petitioner : Mr.Abdul Azeer for
M/S.Svaak Legal

For Respondents: Mr. A.N.Thambidurai, Spl.G.P. For R1

ORDER

The present writ petition has been filed to direct the respondents to immediately forward, receive and consider proposals to provide proper promotional channel /avenues for the post of Supervisor in the Tamilnadu Village and Khadi Industries Board and further direct the second respondent to promote the petitioner with retrospective effect from the year 1991 to the post of Assistant Director with all monetary and

service benefits.

2. It is the case of the petitioner is that the petitioner was appointed in Tamilnadu Village and Khadi Industries Board as Supervisor at Galnut Unit on 09.07.1986 and his services were regularised in the year 1988 and the petitioner's post of the Supervisor is coming under the category of solitary post and there was no promotional avenue for the petitioner's post. Hence the petitioner and similarly situated persons made a representation to the Government for providing promotional avenue to the petitioners and since no order was passed, the petitioner filed a writ petition before this Court in WP.No. 8657/2008 and this Court by its order dated 09.04.2008, directed the second respondent to consider the petitioner's representation dated 24.03.2008 and pass orders within a period of eight weeks from the date of receipt of copy of the said order. In compliance of the said order, the second respondent by its reply dated 23.06.2008 informed the petitioner that action will be taken by the Board to consider his case for promotion to send proposals to the Government to make amendment in the regulations of the Board to create promotion channel from the post of Supervisors to other eligible post under Village Industrial Wing after getting approval of the Board. Though services regulations were amended, however, no promotion channel was created in the Board and no promotion avenue has been given to the petitioner. Aggrieved against the same, the petitioner made another representation on 12.02.2013 and since no order was passed on the said representation, the present petition has been filed.

3. Learned counsel for the petitioner submitted that the petitioner filed the writ petition at the age of 51 and he was not able to ascertain the present position, however it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 12.02.2013 within a reasonable time may fixed by this Court.

4. Learned Special Government Pleader appearing for the first respondent on instructions submitted that till date no promotion avenue is available and that the said post held by the petitioner was abolished and, hence, there is no possibility of providing promotional avenue to the post held by the petitioner.

5. This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. Considering the facts and Circumstances of the case and considering stand taken by the respondents and the further fact that the post held by the petitioner has since been abolished by

the Government and that no promotional avenue was created for the post held by the petitioner, this Court is of the view that no positive direction can be issued to the respondents. However, in the interest of justice, this Court directs the 2nd respondent to consider the petitioner's representation dated 12.02.2013, if available on record, and dispose of the same on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Secretary to Government Handlooms Handicrafts, Textiles and Khadi Department, Secretariat, Fort St. George, Chennai 600 009.
2. The Chief Executive Officer, The Tamilnadu Village and Khadi Industries Board, Kuralagam Chennai -108.

+1cc to the Government Pleader, Sr.No.25747

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SKS (CO)
GS (28/08/2020)