

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.No.23905 of 2014

and

MP.No.1 of 2014

G.Selvagunaseelan Petitioner

vs

1.Govt. of Puducherry, ... Respondents
Rep. by Chief Secretary,
Secretariat,
Puducherry - 605 001.

2. The Secretary (Education)
Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001.

3. The Principal,
Pondicherry Engineering college (P.E.C.)
Pillaichavady,
Puducherry - 605 014.

Writ Petition is filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the 3rd respondent to promote the petitioner to the post of "Group 'C' - Mechanic (Carpentry)" as per the recruitment rules in the 3rd respondent college with effect from the date on which the petitioner became eligible with all benefits.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.D.Ravichander,
Addl. Govt. Pleader

ORDER

This writ petition has been filed for a direction to the 3rd respondent to promote the petitioner to the post of "Group 'C' Mechanic (Carpentry)" as per the recruitment rules in the 3rd respondent college with effect from the date on which the petitioner became eligible with all benefits.

2. The case of the petitioner is that he joined service on daily wage basis in the 3rd respondent college from 01.08.1986

and subsequently his services were regularised on 10.05.1993. According to him, he is having 21 years of experience in Group 'D' category and, hence, he is eligible to hold the post of Group 'C' Mechanic (Carpentry). Though his juniors were given promotions, his representation to consider him for promotion has not been considered favourably by the respondents. Later, he came to know that his educational qualifications were not entered in the Service Register and it was entered only on 09.05.2014. It is alleged that due to negligence on the part of the 3rd respondent, his promotional avenues and monetary benefits were curtailed. Hence, he filed this writ petition seeking for a suitable direction. Pending writ petition, the petitioner also sought an interim direction to reserve one post of Mechanic (Carpentry) to him.

3. Learned counsel for the Petitioner submitted that the petitioner's name was not included in the promotion panel even while his juniors were granted promotions. In an identical matter this Court directed the respondents to consider the name of the petitioner therein for promotion and therefore, prays that similar order may be passed in this petition as well directing the respondents to consider the petitioner's representation for promotion to the post of Mechanic (Carpentry) in the light of the orders of this Court in W.P. No.19078 of 2000, dated 16.11.2012, within a time frame.

4. Learned Additional Government Pleader appearing for the respondents submitted that the name of the petitioner would be considered for promotion to the post of Mechanic (Carpentry) in the light of the order passed in W.P. No.19078 of 2000, if the petitioner is found otherwise eligible.

5. Having regard to the submissions made by the learned counsel on either side, in view of the limited relief sought for, this Court without going into the merits of the case, directs the petitioner to submit a copy of the representation afresh along with a copy of the order passed by this Court in W.P. No.19078/2000 dated 16.11.2012 to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, in the light of the order passed in W.P. No.19078/2000 within a period of twelve weeks thereafter.

6. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

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To

1. The Chief Secretary,
Govt. of Puducherry,
Secretariat,
Puducherry - 605 001.

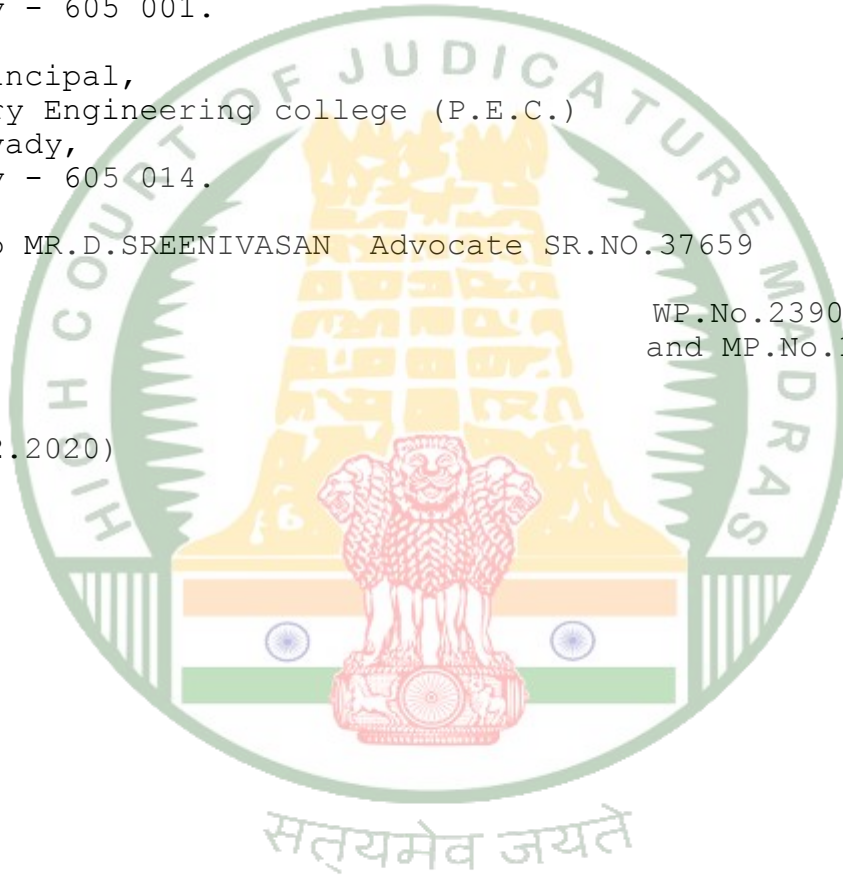
2. The Secretary (Education)
Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001.

3. The Principal,
Pondicherry Engineering college (P.E.C.)
Pillaichavady,
Puducherry - 605 014.

+1 C.C. to MR.D.SREENIVASAN Advocate SR.NO.37659

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SSI (CO)
UMY (17.12.2020)



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