

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.35774 of 2019

Dr.R.Balamurugan

...Petitioner

Vs

1.The Government of Tamil Nadu, Rep.
The Principal Secretary to Government,
Department of Higher Education,
Secretariat, Chennai - 600009.

2.Annamalai University,
Represented by its Registrar,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to give eligible promotion to the petitioner in two stages i.e Senior Asst. Professor to Selection Grade Asst. Professor with Academic Grade pay (AGP) from Rs.7000 to Rs.8000 and from Selection Grade Asst. Prof. to Associate Professor, with Academic Grade Pay (AGP) from Rs.8000 to Rs.9000, from the respective eligible date, by properly fixing the seniority in the correct place, within a reasonable period, without changing the service conditions of the petitioner and without redeploying him to any other institutions from the 2nd respondent.

For Petitioner : Mr.R.Neelakandan

For Respondents: Mr.P.S.Siva Shanmuga Sundaram
Special Government Pleader
for R1

Mr.K.Sathish Kumar
Standing Counsel
for R2

O R D E R

This writ petition has been filed for the issue of a writ of mandamus, directing the respondents to grant promotion to the petitioner in two stages and to properly fix the seniority along with all attendant benefits, by considering the

representation made by the petitioner.

2.The case of the petitioner is that he was appointed as a Lecturer in the year 2003 in the 2nd respondent University. Thereafter, the petitioner was confirmed in the year 2004 and he became a permanent employee of the 2nd respondent University. The petitioner was thereafter appointed as a Assistant Professor on deputation in the University College of Engineering, Nagapattinam District. The petitioner challenged the said deputation, by filing W.P.No.6175 of 2018.

3.During the pendency of the writ petition, the 2nd respondent initiated a process for getting application for promotion under the Career Advancement Scheme from the qualified and eligible candidates. The petitioner also submitted his application and it was not received. Therefore, the petitioner filed one more writ petition before this Court in W.P.No.23287 of 2018, for a direction to the 2nd respondent to process his application for Career Advancement Scheme.

4.Both the above writ petitions came up for final hearing before this Court on 04.01.2019 and this Court disposed of both the writ petitions, by directing the respondents to consider the claim of the petitioner and pass orders.

5.After the above order was passed by this Court, the petitioner rejoined the 2nd respondent University from 04.07.2019. The petitioner claims that he was called for an interview under the Career Advancement Scheme and he also attended the interview on 18.01.2019 and submitted all the records. The grievance of the petitioner is that there has been no progress thereafter and the petitioner also made a representation on 26.07.2019 to the 2nd respondent and no orders have been passed till date. Aggrieved by the same, the present writ petition has been filed before this Court.

6.Heard Mr.R.Neelakandan, learned counsel for the petitioner, Mr.P.S.Siva Shanmuga Sundaram, learned Special Government Pleader appearing for the 1st respondent and Mr.K.Sathish Kumar, learned Standing Counsel appearing for the 2nd respondent.

7.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 26.07.2019 and take a decision with regard to the promotion that is being claimed by the petitioner under Career Advancement Scheme and pass necessary orders, within a period of 4 weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

8.This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Hvk

To

1.The Principal Secretary to Government,
Department of Higher Education,
Secretariat, Chennai - 600009.

2.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No. 7859

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No. 7571

W.P.No.35774 of 2019

RP (CO)
GN (27/02/2020)

सत्यमेव जयते
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