



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.11236 of 2020

and

W.M.P(MD) Nos.9829 and 9830 of 2020

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L.Sivanandam

... Petitioner

Vs.

1.The Additional Commissioner (General)/
Principal Secretary/Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner (General),
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar,
Madurai-625 016.

4.The Deputy Commissioner-cum-Executive Officer,
Arulmigu Subramaniya Swamy Thirukovil,
Thirupprankundram,
Madurai District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Moo.Mu.No.3598/2020/Z1 dated 13.03.2020 quash the same and consequently, direct the respondents herein to ensure condition of service of petitioner for promotion on par with equivalent posts in Class-IV Service of Special Rules for Tamil Nadu Basic Service.

For Petitioner	: Mr.V.Janakiramulu
For R-1 to R-3	: Mr.K.P.Narayanakumar Special Government Pleader
For R-4	: Mr.S.Manohar

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2.This Writ Petition has been filed to quash the impugned order of the first respondent in Moo.Mu.No.3598/2020/Z1 dated 13.03.2020 and consequently, to direct the respondents herein to ensure the condition of service of the petitioner for promotion on par with equivalent posts in Class-IV Service of Special Rules for Tamil Nadu Basic Service.

3.It is the contention of the petitioner that he was appointed under direct recruitment as Gardener and approved by the first respondent in his letter dated 27.02.2013 in the time scale of Rs.2800-8400+1200. The petitioner has also completed his probation period of one year and after regularization, he has been working in the post of Gardener for the past 8 years. The main contention of the petitioner is that the respondents not only failed to grant annual increment and revised pay scale, but also considered the petitioner for further promotion. In this regard, the petitioner has given a detailed representation dated 16.03.2020 to the first respondent and the same was not considered. Therefore, the petitioner filed a writ petition in W.P(MD)No.6660 of 2020. At the time of admission itself, the respondents therein representing before this Court that the first respondent had negatived the request of the petitioner citing G.O.Ms.No.255 dated 28.06.2020. By referring the said Government Order, the respondents have rejected the promotion of the petitioner from the post of Gardener, due to the reason that the Gardener post is not mentioned for the benefit of promotion. This Court by an order dated 11.06.2020, dismissed the aforesaid petition with liberty to challenge the rejection order. Hence, challenging the said rejection order, the petitioner has filed the present writ petition.

4.The learned Special Government Pleader appearing for the respondents has filed a typed set of papers wherein Government Order dated 04.09.2020 was also furnished. In the said Government Order, the petitioner's post of Gardener has also included. Therefore, the petitioner is entitled for promotion as per the Government Order dated 04.09.2020. Therefore, he would fairly submit that the representation of the petitioner dated, 07.08.2020 for further promotion will be considered with reference to the Government order, dated 04.09.2020.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to consider the representation of the petitioner, dated 07.08.2020 and pass appropriate orders in the light of the G.O.Ms.No.114, Tourism, Culture and Religious Endowments (RE4-2) Department, dated 04.09.2020, within a period of eight weeks from the date of receipt of a copy of this order, on merits and in accordance with law.



6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Additional Commissioner (General) /
Principal Secretary/Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.
2. The Joint Commissioner (General),
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Ellis Nagar,
Madurai-625 016.
4. The Deputy Commissioner-cum-Executive Officer,
Arulmigu Subramaniya Swamy Thirukovil,
Thirupprankundram,
Madurai District.

+1 CC to Mr.S, MANOHAR, Advocate (SR-23778[F] dated 03/12/2020)
+1 CC to Mr.V. JANAKIRAMAN, Advocate (SR-23983[F] dated 04/12/2020)
+1 CC to SPL GP (SR-24101[F] dated 04/12/2020)

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