

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 20409 of 2011

A.Alfred David

... Petitioner

-vs-

The Principal Secretary / Director
Department of Social Defence,
300, Purasawakkam High Road,
Kellys, Chennai - 600 010.

... Respondent

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the representation made by the petitioner dated 04.08.2011.

For Petitioner : No appearance

For Respondent : Mr.K.Magesh
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider the representation made by the petitioner dated 04.08.2011.

2. The petitioner worked as Junior Assistant and subsequently, was promoted as Assistant in the year 2000 and finally was promoted as Probation Officer on 01.09.2009.

3. In this context, it is the grievance of the petitioner that, two persons in the same department namely, one Chandran, Assistant Training Officer and one P.Jayalakshmi, Laundry Mechanic-cum- Chargemen were promoted as Probation Officer on 08.12.2008 and 13.03.2009 respectively.

4. In this context, it is the further grievance of the petitioner that, the said two persons were working under feeder category as Probation Officers. Despite the said position, in violation of the rules, those promotion were
In view of the above, in order to revoke the orders of promotion,

a representation dated 04.08.2011 has been given by the petitioner and since the said representation was not considered by the respondent / Department, he filed the present Writ Petition.

5. When the case is called today, there is no representation for the petitioner. However, Mr.K.Magesh, learned Special Government Pleader appearing for the respondent would submit that, the petitioner does not have any legal right to seek for revoking the promotion given to the two individuals, who already have been promoted. Anyhow the representation given by the petitioner dated 04.08.2011 can be considered and disposed on merits, he contended.

6. I have considered the said submissions made by the learned Special Government Pleader and the representation, in which the petitioner has sought for indulgence, asking the respondent to revoke the promotion given to two individuals namely Chandran and Jayalakshmi from the post of Probation Officer. However, those two persons were not impleaded as respondents in the Writ Petition and on that ground alone, the Writ Petition can be dismissed.

7. Anyhow, after keeping the Writ Petition pending for eleven years, this Court do not want to prolong the matter and hence, as stated by the learned Special Government Pleader appearing for the respondent, a direction can be given to the respondent to dispose the representation of the petitioner dated 04.08.2011 on merits.

8. In view of the above, this Court is inclined to dispose of the Writ Petition with the following orders:

"(i) That the respondent is hereby directed to consider and pass orders on the representation of the petitioner dated 04.08.2011 within a period of twelve weeks from the date of receipt of a copy of the order.

(ii) If at all the respondent wants to take adverse decision against the two individuals, whose promotion revocation since has been sought in the said representation, notice shall be given to them and after hearing them also, such decision can be made.

(iii) Accordingly, the needful as indicated above shall be undertaken within the time frame."

9. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

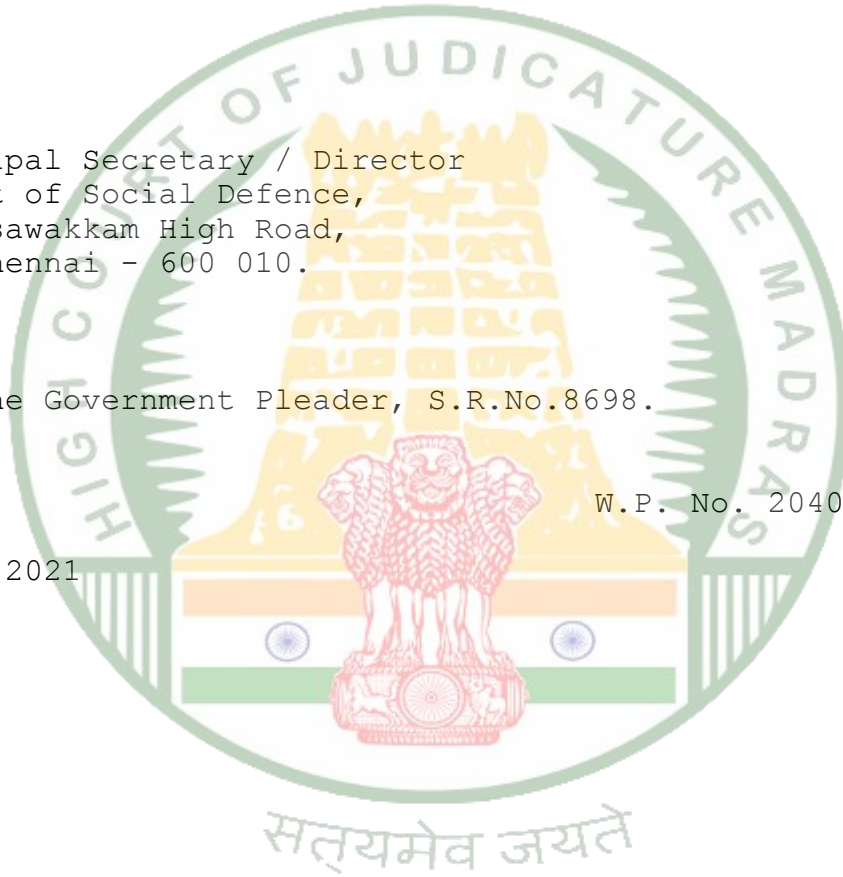
To

The Principal Secretary / Director
Department of Social Defence,
300, Purasawakkam High Road,
Kellys, Chennai - 600 010.

+1cc to the Government Pleader, S.R.No.8698.

SSN(CO)
CSR 18.03.2021

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