



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.13510 OF 2020

S.Joseph Eronimus,
Record Clerk,
Dr.Ambedkar Law College,
Pudupakkam,
Chengalpattu-603 001.

.. Petitioner

Vs.

1. The Director of Legal Studies,
Lumbini Square,
Purasawalkam High Road,
Kilpauk, Chennai-600 010.
2. The State of Tamil Nadu,
Rep. by the Secretary,
Personnel & Administrative Reforms (P) Department,
Fort St.George,
Chennai-600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent, viz., the Director of Legal Studies, to pass orders, regarding the service benefits in accordance with law as sought for by the petitioner through the representation, dated 28.08.2020, seeking early disposal on merits of the petitioner's claim for re-fixation arrears of pay and emoluments, regularization of service by entering the educational qualification and notionally fixing the seniority as per the initial date of appointment as Office Assistant (i.e.) 29.08.2006 and consequently the seniority in the Record Clerk category, for being considered for promotion in the existing vacancies as Junior Assistant and transfer to Tiruchirapalli, in accordance with law, within such time as this Court may order.

For petitioner : Mr.M.Joseph Thatheus Jerome

For respondents : Mr.V.Veluchamy, Addl.G.P.



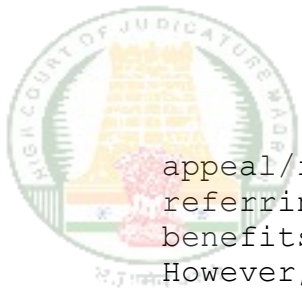
ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent, viz., the Director of Legal Studies, to pass orders, regarding the service benefits, in accordance with law as sought for by the petitioner through the representation, dated 28.08.2020, seeking early disposal on merits of the petitioner's claim for re-fixation arrears of pay and emoluments, regularization of service by entering the educational qualification, and notionally fixing the seniority as per the initial date of appointment as Office Assistant (i.e.) 29.08.2006 and consequently the seniority in the Record Clerk category, for being considered for promotion in the existing vacancies as Junior Assistant and transfer to Tiruchirapalli, in accordance with law, within such time as this Court may order.

2. The case of the petitioner is that he was appointed on 08.07.1991 as Compiler on contract basis with consolidated salary. Many persons who were appointed on contract basis, were subsequently discharged from service. Thereafter, some litigations were filed and eventually, the petitioner came to be appointed as Office Assistant in Government Law College, Tiruchirapalli, on 29.08.2006.

3. The petitioner appeared to have also obtained permission for obtaining a Degree in Economics in the Tamil Nadu Open University in the year 2010. According to him, additional qualification acquired by him, had not been entered in the Service Register as on date. According to him, he was not favoured with any promotion to the next category, namely Record Clerk and in that regard, he had also submitted a representation on 17.02.2010 and also on 27.07.2012 to the first respondent. In the meanwhile, he has also been transferred from the Government Law College, Thiruchirapalli to the Government Law College, Chengalpattu on 13.11.2014 on administrative grounds. According to the petitioner, there is a permanent vacancy in Tiruchirapalli Government Law College itself, for the post of Record Clerk. A further representation also appeared to have been submitted to the first respondent, requesting for promotion in that vacancy on 20.01.2017. The petitioner, along with the request for promotion, has also sought for certain benefits that are payable to him, which have not been paid.

4. The grievance of the petitioner is that he has been singularly discriminated against grant of service benefits and promotion, though several persons appointed after him or along with him, had been favoured with career promotion and other service benefits. The petitioner has finally submitted an



appeal/representation to the first respondent on 28.08.2020 referring to his earlier representations and seeking various benefits that are admissible to him as per his entitlement. However, the said appeal/representation, having not been disposed of yet, he has come up before this Court by way of the present Writ Petition for the relief stated supra.

5. The learned counsel for the petitioner submitted that the said appeal/representation, addressed to the first respondent, is pending as on date, and the petitioner would be satisfied if a direction is issued to the first respondent to dispose of the said appeal/representation within a reasonable time that may be fixed by this Court.

6. On behalf of the respondents, learned Additional Government Pleader took notice and submitted that the said appeal/representation is still pending since August 2020 and if any direction is issued by this Court, the same would be duly complied with.

7. In view of the above submissions made on either side and also as the prayer itself is of limited scope, this Writ Petition is disposed of with the following directions:

(i) The appeal/representation, dated 28.08.2020 addressed to the first respondent, shall be disposed of by the first respondent, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, or on production of a web-copy of this order, whichever is earlier.

(ii) The first respondent is also directed to consider the service details of the petitioner, vis-a-vis, his colleagues and also his request for grant of certain benefits like seniority, emoluments, etc.

(iii) The first respondent is further directed to pass a reasoned order on the said appeal/representation and communicate a copy of the order forthwith, that may be passed by him, to the petitioner.

8. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

CS



To

1. The Director of Legal Studies,
Lumbini Square,
Purasawalkam High Road,
Kilpauk, Chennai-600 010.

2. The Secretary,
The State of Tamil Nadu,
Personnel & Administrative Reforms (P) Department,
Fort St.George,
Chennai-600 009.

+1cc to Mr.M.Joseph Thatheus Jerome, Advocate, S.R.No.62565

+1cc to the Government Pleader, S.R.No.62980

W.P.No.13510 of 2020

JPL(CO)
RLP(13/12/2021)