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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4837 of 2014

and

M.P.No.1 of 2014

- 1.N.Mahendran
- 2.B.Krishnan
- 3.G.Ravi
- 4.R.Balaji
- 5.C.Suresh Kumar
- 6.S.Chandrasekar
- 7.M.Kasi
- 8.P.Jayakumar
- 9.N.Mohan
- 10.R.Shanmugam
- 11.N.Ravi
- 12.S.P.Varatharajan
- 13.V.Murugan
- 14.P.Prakash
- 15.L.Gnanakumar

...Petitioners

Vs

1. The State of Tamil Nadu
Rep. by the Secretary to Government,
Tamil Development, Religious Endowment &
Information Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Office of the Director of
Stationery and Printing,
110, Anna Salai, Chennai - 600 002.
3. The General Manager,
Office of the Director of
Stationery and Printing,
110, Anna Salai, Chennai - 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing respondents 2 and 3 from filling up the posts of Web Offset Technician, Asst. Web Offset Technician and Offset Machine Technician by resorting to direct recruitment without first considering the claim of the



petitioners for promotion to the above said posts by invoking Rule 11 of Ad Hoc Rules framed in G.O.Ms. No.282 Tamil Development Religious Endowments and Information dated 17.08.2012.

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For Petitioners : Mr.K.M.Ramesh

For R1 to R3 : Mr.J.Ramesh, AGP

ORDER

The relief sought for in this writ petition is to forbear the respondents 2 and 3 from filling up the posts of Web Offset Technician, Assistant Web Offset Technician and Offset Machine Technician by resorting to direct recruitment without first considering the claim of the petitioners for promotion to the said posts by invoking Rule 11 of Ad Hoc Rules framed in G.O.Ms.No.282 Tamil Development, Religious Endowments and Information Department, dated 17.08.2012.

2.According to the petitioners, they joined the service of the Government Press as Machine Minder / Binder / Compositor / Mazdoors and they have been working in the feeder category and are eligible for promotion to the post of Web Offset Technician, Assistant Web Offset Technician and Offset Machine Technician. It is the further case of the petitioners that as per Rule 11 of Adhoc Rules framed vide G.O.Ms.No.282, Tamil Development, Religious Endowments and Information (S&P1-1) Department, dated 17.08.2012, the petitioners are entitled to be considered for promotion to the post of Web Offset Technician, Assistant Web offset Technician and Offset Machine Technician notwithstanding the qualifications prescribed for the said posts. Though very many employees were promoted without considering the requisite qualification, the petitioners were not considered for promotion. Now, the respondents 2 & 3, are resorting to direct recruitment for the said posts. Feeling aggrieved, the petitioners have come up with this writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that pending approval of the ad hoc rules, the petitioners were temporarily appointed to the respective posts during the year 2007 and they did not possess requisite qualifications for the posts which they are holding temporarily as per the service rules, however, their services were protected by providing a saving clause and hence, the petitioners were allowed to continue in the same posts. It is further stated that the Government vide G.O.Ms.No.282 Tamil Development, Religious Endowments and Information (S & P1-1)



Department dated 17.08.2012, sanctioned the strength both earmarked for promotion and direct recruitment for the categories viz. Web Offset Technician, Assistant Web Offset Technician and Offset Machine Technician and accordingly, certain posts in the said category were filled up by direct recruitment during the year 2014; and a panel for the post of Web Offset Technician was drawn and the names of the petitioners 1, 3, 4, 12, 13 and 15 were included in the said panel for the year 2013-2014 and they were promoted to the post of Web Offset Technician. It is also stated therein that since there was no further vacancy available in the post of Web Offset Technician, the name of the other writ petitioners 5, 6, 7, 8, 10, 11 and 14 were not considered for promotion to the post of Web Offset Technician and therefore, the claim of the petitioners to promote them without resorting to direct recruitment is unsustainable and their claim overlooking their seniors is also not permissible as per service rules.

4. Refuting the aforesaid averments made in the counter affidavit filed by the respondents, the petitioners filed a reply affidavit, wherein, it is stated in paragraph 4 as follows:

"4.I submit that though the Respondents provided selective promotions to Petitioners, the same was not sufficient enough to recognize their seniority nor in line with Rule 5 of ad hoc rules made for this purpose. Despite there were vacancies and Petitioners were being qualified and eligible to be promoted, they were denied promotions, but new persons were recruited contrary to Rule 5 of ad hoc rules. Except Petitioner 11 and 12 (Ravi & Shanmugam) every other Petitioner got retired and as admitted by the Respondent in their counter affidavit, some of them got promotion also. However, such promotion was not in line with Rule 5, but based on the whims and fancies of the Respondent Management".

5. In view of the aforesaid statement made in the reply affidavit filed by the petitioners, the learned counsel for the petitioners restricted the relief sought in this writ petition only in respect of the petitioners 10 & 11. Thus, the learned counsel prayed for a direction to the respondents to consider the case of the petitioners 10 and 11 for promotion to the post in question.

6. There is no serious objection on the side of the respondents for granting such relief to those petitioners.



7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioners 10 & 11 alone and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Secretary to Government,
Tamil Development, Religious Endowment &
Information Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Office of the Director of Stationery and Printing,
110, Anna Salai, Chennai - 600 002.
3. The General Manager,
Office of the Director of Stationery and Printing,
110, Anna Salai, Chennai - 600 002.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.17841
+1cc to the Government Pleader, S.R.No.17985

W.P.No.4837 of 2014

PMK (CO)
RGA (20/07/2021)