



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.3.2022
CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P.No.12617 of 2020
and
W.M.P.No.15576 of 2020

1	K.Rajangam	...	Petitioner
	Vs.		
1	The Chairman, Puducherry Housing Board Cum Secretary to Government, Puducherry Housing Board, Puducherry.		
2	The Secretary, Puducherry Housing Board, Puducherry.	...	Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Superintendent with effect from 19.05.2011 the date on which the petitioner became qualified with all other consequential benefits including differences of wages.

For Petitioner : Mr.V.Ajaya Kumar

For Respondents : Mr.B.A.Sujay Prasanna

O R D E R

According to the petitioner, the petitioner joined the service of the second respondent Board as Junior Assistant on 27.3.1989 and promoted to the post of Assistant on 19.5.2006. The petitioner qualified for promotion to the post of Superintendent in the year 2016 itself, on completion of 5 years of service in the regular vacancy. According to the petitioner, he approached the authorities concerned, the petitioner was orally informed that petitioner was promoted to the post of Assistant on 9.5.2016 on adhoc basis and the petitioner will be considered for promotion only after regularisation of service in the post of Assistant. According to the petitioner, the stand taken by the respondent is untenable. There is no reason given



by the respondent to keep the petitioner on adhoc basis for all these years and therefore, denied promotion to the petitioner on the ground of non regularisation of the service is unjustified and therefore, the petitioner has filed the present writ petition before this Court.

2. The learned counsel appearing for the respondent at the outset would submit that the prayer as sought for by the petitioner is not maintainable. According to the learned counsel appearing for the respondent, Recruitment Regulation has not notified the promotion to the post of Superintendent. The Government of Puducherry vide G.O.Ms.No.106 dated 7.1.2006 has amalgamated the post of Superintendent Grade I and II into a single category as Superintendent. According to the learned counsel appearing for the respondent, the petitioner service in the post of Assistant was not regularised. Therefore, at this stage, the relief sought for by the petitioner claiming promotion to the post of Superintendent without regularisation of service in the post of Assistant, is not maintainable.

3. In view of the stand taken by the respondents, the writ petition stands dismissed. No costs. However, the petitioner is given liberty to approach the authorities concerned. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Vaan

To

1 The Chairman,
Puducherry Housing Board Cum Secretary to Government,
Puducherry Housing Board, Puducherry.

2 The Secretary,
Puducherry Housing Board,
Puducherry.

+1cc to Mr.V.Ajay Kumar, Advocate SR.No.16513

W.P.No.12617 of 2020

PA (CO)
GN (22/03/2022)