

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.22014 OF 2014

AND

M.P.NO.2 OF 2014

R.Eniyarajan

...Petitioner

Vs.

1.The Chief Secretary-cum-Chairman
Jawaharlal Nehru College of Agriculture
And Research Institute (PAJANCOA & RI)
Office of Chief Secretary
Government of Puducherry
Chief Secretariat, Pudhcherry.

2.The Dean,
Pandit Jawaharlal Nehru College of
Agricultural and Research Institute,
Serumavillangai, Nedungadu,
Karaikal - 609 603.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings No.PJN/Estt/E2/Driver Promotion/2014-15 dated 15.7.2014 and to quash the same as being against the relevant recruitment rules and the rule of communal reservation and for a consequential direction to issue a fresh notification in accordance with the recruitment rules and the rule of reservation.

For Petitioner : Ms.N.Kavitha Rameshwar

For Respondents
[For R2] : Mr.M.T.Arunan
Standing Counsel

[For R1] : No appearance

ORDER

The impugned Notification dated 15.07.2014 issued by the second respondent is under challenge in the present writ petition.

2.The Notification was issued to fill up one post of Driver Grade-III by promotion from the following category of staff i.e., 1) Clearners, 2) Multi-tasking Staff (General), 3) Multi-tasking Staff (Security) and 4) Multi-tasking Staff (House Keeping). Accordingly, the eligible staffs are directed to furnish their willingness in the proforma appended to the impugned Circular.

3. The learned counsel for the petitioner made a submission that an interim order was granted by this Court and pursuant to the interim order, the process of promotion was not concluded. Near about 8 years lapsed. Thus, the respondents cannot act based on the Circular issued in the year 2014 for promotion to the Post of Driver Grade-III. On account of efflux of time and change of circumstances, the respondents are bound to initiate steps afresh for the purpose of filling up of the post, if the post has already not been filled up. In view of the fact that the process of promotion during the relevant point of time had not undertaken by the competent authorities and now eight years lapsed, the respondents are at liberty to issue a fresh notification, if any administrative decision is taken to fill up the post by following the Statutes and Rules in force and by affording equal opportunity to all the employees, who all are eligible and aspiring to secure promotion in accordance with the rules in force.

4. On account of lapse of time, the impugned order became lapsed and it need not be acted upon by the respondents.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Chief Secretary-cum-Chairman
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Office of Chief Secretary
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Serumavillangai, Nedungadu,
Karaikal - 609 603.

+1cc to Mr.M.T.Arunan, Advocate Sr.No.39751

+1cc to M/s.N.Kavitha Rameshwar, Advocate Sr.No.39753

W.P.No.22014 of 2014

SKM(CO)
RVM(19/07/2022)