



W.P. No.33272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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V. Devaraj

... Petitioner

VS.

1. The Secretary to Government
Animal Husbandary and Fisheries Department,
The Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Milk Production and Dairy Development,
Nandanam,
Chennai - 600 035.

3. The Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation,
Nandanam,
Chennai - 641 035.

4. The General Manager,
The Coimbatore District Co-operative Milk
Producers' Union Limited,
Pachapalayam,
Kalampalayam Post,
Coimbatore - 641 010.

5. R. Manoharan

... Respondents



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Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents No.2 to 4 to promote petitioner for the post of Technician-Lab w.e.f. 14.01.2014 and to pay the arrears of salary and DA from the month of January 2014 and to fix the time scale and grade pay from 14.01.2014.

For petitioner	: Mr.B. Nedunzhelian
For respondents	: Mr.D. Ravichander, Spl. Govt. Pleader for R1 & R2 Mr.I. John Arockiadas Standing counsel for R3 & R4 R5 - D/w

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 to 4 to promote the petitioner to the post of Technician - Lab with effect from 14.01.2014 and to pay his arrears of salary and D.A. from the month of January 2014 and to fix his time scale and Grade Pay with effect from 14.01.2014 based on his representation dated 09.03.2022, within a time frame to be fixed by this Court.

2. The petitioner claims that he should have been promoted as Technician- Lab with effect from 14.01.2014 as per the Circular, dated



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26.08.2010. However, according to the petitioner, he has not been promoted as per the said Circular but his junior, the 5th respondent herein has been promoted by the Coimbatore District Co-operative Milk Producers' Union Limited. The petitioner has given a representation on 09.03.2022 seeking for promotion to the post of Technician - Lab with effect from 14.01.2014 and also for payment of arrears of salary and D.A. from the month of January 2014 and to fix his time scale and Grade Pay with effect from 14.01.2014. The General Manager of the Coimbatore District Co-operative Milk Producers' Union Limited, the employer of the petitioner has also sent a reply dated 31.03.2022 stating that the petitioner's representation is under consideration. Since, no final orders have been passed in his representation, the petitioner has filed this writ petition.

3. Heard Mr.B.Nedunzhelian, learned counsel for the petitioner, Mr.D. Ravichander, learned Special Government Pleader for the respondents 1 and 2 and Mr.I.John Arockiadas, learned Standing counsel for the respondents 3 and 4. Since no adverse orders are passed against the 5th respondent, notice to 5th respondent is dispensed with by this Court.



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4. The petitioner claims that he ought to have been promoted to the post of Technician - Lab with effect from 14.01.2014 ahead of the 5th respondent, who is his junior.

5. No prejudice would be caused to any of the parties, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the 5th respondent.

6. Since the representation has not been given earlier by the petitioner to the 2nd and 3rd respondents who are the competent authorities, the petitioner will have to give a fresh representation to them.

7. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the 2nd and 3rd respondents seeking for promotion to the post of Technician - Lab with effect from 14.01.2014 and to pay him the arrears of salary and D.A. from the month of January 2014 and to fix his time scale and Grade Pay with effect from 14.01.2014, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 2nd respondent is directed to pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as the 5th respondent, within a period of twelve weeks thereafter.



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8. With the aforesaid directions, this writ petition is disposed of.

No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To

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Chennai - 600 009.

2. The Commissioner,
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ABDUL QUDDHOSE, J.

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