



WEB COPY



W.P. No.33549 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33549 of 2022

1. K.M.C. Lingom
2. M.M.Kamalakaran

...Petitioners

VS.

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Labour and Employment Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Labour,
DMS Compound,
Anna Salai,
Teynampet,
Chennai - 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders promoting the petitioners to the post of Joint Commissioner of Labour based on the seniority in the Deputy Commissioner of Labour panel approved in G.O. (D) No.71 Labour and Employment (E1) Department, dated 29.01.2016, drawn based on pre-existing seniority prior to G.O. Ms.No.38 Labour and Employment (E1) Department dated 09.04.2019, with all consequential and other attendant benefits, in consideration of representation submitted by the petitioners.



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For petitioners : Mr.G.Sankaran
For respondents : Ms.M.Jayanthy
Addl. Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass orders on the petitioners' representations, both dated 02.12.2022 seeking for promoting them as Joint Commissioner of Labour. According to them, in the year 2016, promotion panel for the post of Joint Commissioner of Labour was drawn and they were placed in Sl. No.11 (K.M.C. Lingom) and Sl. No.14 (M.M.Kamalakannan) respectively. According to them, upto Sl. No.9 in respect of the promotion panel drawn in the year 2016, promotion has been given effect to the post of Joint Commissioner of Labour. The grievance of the petitioners is that thereafter no body has been promoted from the post of Deputy Commissioner of Labour to Joint Commissioner of Labour.

2. The further grievance of the petitioners is that due to the challenge made to G.O.Ms. 38, Labour and Employment(E1) Department, dated 09.04.2019 by some of the employees, the respondents have not



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granted promotion. The contention of the petitioners is that G.O.Ms. 38, Labour and Employment(E1) Department, dated 09.04.2019 will not impact the petitioners' case, who seek promotion to the post of Joint Commissioner of Labour from the post of Deputy Commissioner of Labour.

3. The petitioners have given the aforesaid representations to the respondents requesting for promotion. Since the same has not been considered, till date, they have filed this writ petition.

4. Heard Mr.G. Sankaran, learned counsel for the petitioners and Ms.M.Jayanthi, learned Additional Government Pleader appearing for the respondents.

5. No prejudice would be caused to the respondents, if the petitioners' representations as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the 1st respondent to



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pass final orders on merits and in accordance with law on the petitioners' representations both dated 02.12.2022 seeking for promotion to the post of Joint Commissioner of Labour from the post of Deputy Commissioner of Labour, within a period of twelve weeks from the date of receipt of a copy of this order.

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

No costs.

14.12.2022

(1/2)

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

To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Labour and Employment Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Labour,
DMS Compound,



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Anna Salai,
Teynampet,
Chennai - 600 006.

ABDUL QUDDHOSE, J.

vsi2

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