



W.P.No.11801 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11801 of 2011
and M.P.No.1 of 2011

R.Muthukumaraswamy

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head office,
12, Thambusamy Road,
Kilpauk, Chennai 600 010.

2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Nagappattinam Region,
Nagappattinam.

3. C.Alagesan

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent in Proceedings No. RC.No.AE7/20192/2009 dated 25.03.2009 and the same and there by, directing the respondents to promote the petitioner to the post of Assistant Quality Inspector with effect from 03.04.2001 and consequently revise the pay and other attendant benefits and disburse the arrears to the petitioner.

(Prayer amended as per order dated 09.08.2011 in M.P.No.2 of 2011 in



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For Petitioner : Mr.S.S.Swaminathan
For R1 and R2 : Mr.K.Thirugnanam
Standing Counsel
For R3 : Notice served

ORDER

This Writ Petition has been filed praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent in Proceedings No. RC.No.AE7/20192/2009 dated 25.03.2009 and the same and thereby, directing the respondents to promote the petitioner to the post of Assistant Quality Inspector with effect from 03.04.2001 and consequently revise the pay and other attendant benefits and disburse the arrears to the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2 and perused the materials available on record.

3. The petitioner had joined in the service of the respondents in the year 1983 as Seasonal Bill Clerk. In pursuant to the resolution passed by the Board, the first respondent decided to promote the Seasonal employees who had



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graduation in non biology subjects as Assistant Quality Inspectors.

Accordingly, the second respondent prepared the seniority list and the petitioner's name was placed in Serial No.9A and he was also recommended for promotion to the post of Assistant Quality Inspector. However, he was omitted in the list of appointees for the post of Assistant Quality Inspector. Thereafter, he submitted a representation and the same was rejected by the communication dated 25.03.2009, on the ground that his name was deleted from the earlier list furnished by the Senior Regional Manager, Nagapattinam, for the reason that his name has been inadvertently included while sending suitability report instead of Thiru S.Kothandapani, Seasonal Bill Clerk. Therefore, his name will be considered as and when the vacancy arise in the cadre of Junior Quality Inspector. As against the said order, the petitioner also filed an appeal and the same was also rejected by an order dated 02.08.2010.

4. Further, the counter filed by the first and second respondents revealed that the petitioner, though was appointed as a Bill Clerk on 04.02.1983, he was relieved from service on 08.11.1991. Thereafter, he was reappointed only on 29.03.2000. Therefore, the petitioner was not taken up for consideration for the appointment of Assistant Quality Inspector, since others were continuously working as seasonal employee. That apart, the eligibility for the post of



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Assistant Quality Inspector is B.Sc (Biology and Non-Biology) candidates from the regular employees in the feeder categories according to seniority and after exhausting the above candidates, the candidates from seasonal employees may be appointed to the vacancies in the post of Assistant Quality Inspector according to their seniority. Therefore, at any angle the petitioner is not eligible for promotion to the post of Assistant Quality Inspector.

5. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

18.08.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



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To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head office,
12, Thambusamy Road,
Kilpauk, Chennai 600 010.
2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Nagappattinam Region,
Nagappattinam.

G.K.ILANTHIRAIYAN, J.



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