



W.P.No.5883 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

**THE HONOURABLE MR. JUSTICE D.NAGARJUN**

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1. J.Emmanuvel Andrew

2. A.K.Nandakumar

3. S.Pattabiraman

4. S.Vasanth Kumar

5. M.R.Damodaran

6. C.S.Ravikumar

7. P.Pitchumani

8. K.Ravichandran

9. S.Manohar

... Petitioner

**Vs.**

1. Secretary to Government ,  
Higher Education Department,  
Fort St. George, Chennai 600 009.

2. The Commissioner,  
Directorate of Technical Education,  
Sardar Patel Road, Guindy, Chennai 600 025.

... Respondents



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**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to pass orders on the representations of the petitioners dated 18.02.2013, 09.12.2013, 20.01.2014 and reminder dated 24.01.2015 by creating next higher post of Senior Graduate Tabulator or any other post in a higher scale of pay in accordance with the law declared by the Supreme Court in its judgment in State of Tripura Vs.KK Roy and consequently to promote the petitioners to the said post with arrears of pay and all other consequential benefits.

For Petitioner : Mr.V.Ravindran

For Respondents : Mr.R.V.Dinesh Raj Kumar  
Additional Government Pleader

### **ORDER**

This writ petition is filed seeking for a direction to the respondents to pass orders on the representations of the petitioners dated 18.02.2013, 09.12.2013, 20.01.2014 and reminder dated 24.01.2015 and to create next higher post of Senior Graduate Tabulator or any other post in a higher scale of pay in accordance with the law declared by the Supreme Court in its judgment in *State of Tripura Vs. KK Roy* and consequently to promote the petitioners to the said post with arrears of pay and all other consequential benefits.



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2. It is submitted by the learned counsel for the petitioners that though the petitioners were originally appointed on daily wage basis, in the Directorate of Technical Education as Graduate Tabulator, during the year 1989, on a temporary basis, through employment exchange. Subsequently, the petitioners' services were regularised as per G.O.Ms.No.326 dated 04.12.2002 in the pay scale of Rs.3200-5200/-. The first respondent also issued G.O.Ms.No.346 dated 04.10.2005, creating supernumerary post of Graduate Tabulators and publishing ad hoc rules for the post of Graduate Tabulators. The petitioners were treated as Date Entry Operators and Junior Assistants, as the nature of their duties and responsibilities are comparable. It is also submitted that though the petitioners were placed in the scale pay of Rs.3200-5200/- on par with the Junior Assistants, there was no promotional avenues for the petitioners. The petitioners have put up more than 25 years of service in the same department and were doing the same job for several years and they were not promoted even once. The the petitioners have filed the representations dated 18.02.2013, 09.12.2013, 20.01.2014, and since the respondents have not considered their representations, the petitioners have filed this writ petition seeking appropriate relief.



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3. The learned counsel for the respondents would submit that the petitioners were appointed under supernumerary posts as per the ad hoc rules which came into force by G.O.Ms.No.346, Higher Education (B1) Department, dated 04.10.2005. It is also submitted that the nature of work of the petitioners cannot be compared to that of the Junior Assistants and there are no promotional avenues as per the ad hoc rules for consideration of the request of the petitioners.

4. Heard the submissions of both the sides and perused the records.

5. Leaving aside the issues whether the petitioners are really entitled for the promotion as per the ad hoc rules or entitled for termination after their alleged observation on 04.12.2002, unless the respondents give clear reply to the representations, the petitioners will not be in a position to understand the reasons for not considering him. The respondents have kept the representation unconsidered for very long making the petitioners to approach the Court seeking the relief so that there will be enhancement in their retirement benefits.



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6. In view of the above observations, this writ petition is **disposed of** directing the respondents to consider the representations and reminders submitted by the petitioners as quickly as possible, and pass a detailed order within a period of four weeks from the date of receipt of a copy of this order. No costs.

01.11.2023

Index : Yes  
Speaking Order  
Neutral Citation : Yes  
(sha)

To

1. Secretary to Government ,  
Higher Education Department,  
Fort St. George, Chennai 600 009.

2. The Commissioner,  
Directorate of Technical Education,  
Sardar Patel Road, Guindy, Chennai 600 025.



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**D.NAGARJUN. J.,**

(sha)

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