



W.P.No.18753 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2023

CORAM

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.18753 of 2020
and W.M.P.Nos.23299 & 23300 of 2020

M.Sundaresan

... Petitioner

Vs.

1.The Secretary to Government,
Animal Husbandry (Dairying)
and Fisheries Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Milk
Production and Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.

3.Additional Milk Commissioner
Office of the Commissioner of Milk
Production and Dairy Development
Madhavaram Milk Colony,
Chennai – 600 051.

4.The Deputy Milk Commissioner
(Cooperation)
Office of the Commissioner of Milk
Production and Dairy Development
Madhavaram Milk Colony,
Chennai – 600 051.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order dated 28.09.2015 made in Na.Ka.No.7975/D1/2015 passed by the fourth respondent in so far as the petitioner's claim for promotion was rejected on the ground that he has not completed 3 years service in the post of Assistant, quash the same as null and void and consequently directing the respondents to pass orders for promoting the petitioner to the post of Senior Inspector with effect from 01.05.2015 instead of the promotion given with effect from 31.08.2017 and that the petitioner's seniority is restored in the appropriate place.

For Petitioner : Mr.R.Sethu Pandian

For Respondent 1 : Mr.A.M.Ayyadurai,
Government Advocate

For Respondent 2 : M/s.V.Yamunadevi,
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking to call for the entire records relating to the impugned order dated 28.09.2015 made in Na.Ka.No.7975/D1/2015 passed by the fourth respondent in so far as the petitioner's claim for promotion was rejected on the ground that he has not



completed 3 years service in the post of Assistant, quash the same as null and void and consequently directing the respondents to pass orders for promoting the petitioner to the post of Senior Inspector with effect from 01.05.2015 instead of the promotion given with effect from 31.08.2017 and that the petitioner's seniority is restored in the appropriate place.

2. The case of the petitioner is that the second respondent in his letter Rc.No.11254/D1/2010 dated 04.08.2010 called for particulars regarding promotion from Assistants to Senior Inspectors with the qualifications ought to have been acquired by the candidates to be promoted from Assistants to Senior Inspectors. Hence, the petitioner has furnished his details to the second respondent for consideration to the promotion from Assistant to Senior Inspector, however, the fourth respondent issued an order dated 28.09.2015, rejected the petitioner's application for promotion on the ground that he has not completed three years of service in the post of Assistant, which condition is not prescribed in the list of qualifications issued by the second respondent. Therefore, the petitioner has preferred an appeal dated 30.04.2015, before the fourth respondent, but, the same was not disposed of. In the meantime, the petitioner was promoted from Assistant to Senior

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Inspector on 31.08.2017, but original seniority was not given in the post of Senior Inspector. Thus, he made a representation dated 04.09.2017 before the second respondent seeking consideration for providing restoration of original seniority for the reason that 126 newly recruited Senior Inspectors were joined in the Department on 10.09.2015 and the petitioner's name is below the seniority of aforesaid 126 Senior Inspectors, however, no action was taken. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the second respondent to consider the petitioner's representation dated 04.09.2017 and dispose of the same, within a time frame to be fixed by this Court.

4. Learned Special Government Pleader as well as learned Government Advocate appearing for respondents 1 & 2 has no objection for the aforesaid order being passed by this Court.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the submission made by the learned counsel on either side, this Court without going into the merits of the case, directs the second respondent to consider and dispose of the petitioner's representation dated 04.09.2017 by passing appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is dispose of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes/No

Index : Yes/No

Speaking order/Non-speaking order

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J.SATHYA NARAYANA PRASAD,J.

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To:

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