



**W.P.(MD)No.2503 of 2018**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:09.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.2503 of 2018**

**W.M.P(MD).Nos.2694 and 2695 of 2018**

Sibi Isac

... Petitioner

Vs.

- 1.The Director General of Indian Coast Guard,  
Coast Guard Headquarters,  
National Stadium Complex,  
New Delhi-110 001.
- 2.The Director General Indian Coast Guard,  
TATRAKSHAK MOKHYALAYA,  
Coast Guard Headquarters,  
National Stadium Complex,  
New Delhi-110 001.
- 3.The Commander,  
Headquarters,  
Coast Guard Region (East),  
Near Napier Bridge,  
Chennai-600 009.
- 4.The Officer-in-charge,  
Bureau of Naviks,  
Mankurd, Mumbai-400 088.



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5.The Commanding Officer,  
Indian Coast Guard Ship Tuticorin,  
Harbor Estate,  
Tuticorin-628 004.

6.The Commanding Officer,  
Indian Coast Guard Ship Vaibhav,  
C/o.Indian Coast Guard Ship Tuticorin,  
Harbor Estate,  
Tuticorin-628 004.

... Respondents

**Prayer:**Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings No.NK/0221/02886-P, dated 09.10.2017 and consequentially order dated 14.11.2017 in NK/0221/02886-P and quash the same as illegal and consequently to direct the respondents to promote the petitioner to the post of Pradhan Adhikari and grant all consequential benefits from 2009 onwards.

For Petitioner : Mr.N.Sekar

For Respondents : Mr.S.Jeyasingh



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## **ORDER**

This writ petition has been filed to call for the entire records relating to the impugned order in proceedings No.NK/0221/02886-P, dated 09.10.2017 and the consequential order dated 14.11.2017 in proceedings No.NK/0221/02886-P, passed by the second respondent, quash the same as illegal and direct the respondents to promote the petitioner to the post of Pradhan Adhikari and grant all consequential benefits from 2009 onwards.

2. The case of the petitioner is that the petitioner had entered into service of the Indian Coast Guard on 29.07.1993 as Navik and he was promoted as Utham Navi. Now, he is working as Adhikari (Onboard Ship) under the sixth respondent herein. He was transferred to the present station in May 2016, while he was serving as Adhikari. In the year 2011, the petitioner had undergone Cardiothoracic surgery in right 5<sup>th</sup> Rib and diagnosed with Langerhans Cell Histiocytosis. In fact, earlier his name was included in the promotion list and by order dated 17.10.2011, he may be promoted as Adhikari (ME) and the seniority was also fixed from



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01.11.2011 onwards. However, the second respondent herein did not approve the appointment order due to low medical category and his batchmates were promoted to the post of Adhkari (ME) in the month of October 2009 itself. Hence, the petitioner has challenged the order of the second respondent dated 19.06.2012 before the High Court of Kerala. The High Court of Kerala has also set aside the order and directed the respondents to pass speaking order. But, without considering the direction issued by the High Court of Kerala, the present impugned orders have been passed. Hence, challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the present impugned orders have been passed contrary to the order passed by the High Court of Kerala in W.P(C).No.19199 of 2012 dated 03.04.2017. Hence, this Court may grant liberty to the petitioner to file a contempt petition before the High Court of Kerala.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned orders issued by the second respondent, grants liberty to the petitioner to file a contempt petition before the High Court of Kerala.

6. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

**09.02.2023**

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NCC:Yes/No  
Index:Yes/No  
Internet:Yes/No



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**M.DHANDAPANI,J.**

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