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Writ Appeal No.1107 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.1107 of 2021
and C.M.P.No.6985 of 2021**

1. The Government of Tamil Nadu,
rep. By Secretary,
Department of Handlooms, Handicrafts,
Textiles & Khadi,
Fort St.George, Chennai – 600 009.

2. The Director of Sericulture,
Department of Sericulture,
Salem -1.

... Appellants

Vs.

P.Ramaswami

.. Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 06.02.2020 made in W.P.No.11685 of 2012.

For Appellant	: Mr.M.Bindran, Government Advocate
For Respondent	: Ms.S.Meenakshi



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JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

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This writ appeal has been directed against the order passed by the Writ Court dated 06.02.2020 made in W.P.No.11685 of 2012.

2. The respondent had joined the service with the appellant Department as Practical Sericulturist on 13.09.1978. His service was regularized with effect from 01.04.1984. The next avenue of promotion for the respondent is Junior Inspector of Sericulture. However the respondent had been stagnated in the very same post of Practical Sericulturist without getting any promotion.

3. In fact one of his colleague viz., G.Srinivasan had also been regularized as Practical Sericulturist with effect from 01.04.1984 along with the respondent, since he had similarly placed as he had also been stagnated without getting any promotion, he had approached the Writ Court and filed a writ petition in W.P.No.13529 of 2006 for promotion to the post of Junior Inspector of Sericulture.

4. This Court having considered the merits of the case has given a direction to that effect to give him promotion to the post of Junior

Inspector of Sericulture.



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5. That order passed by this Court having been considered was accepted by the Department and they passed an order on 18.07.2007 giving him promotion to the post of Junior Inspector of Sericulture.

6. When such an order was passed to the colleague of the respondent, the respondent had made a representation to treat him on par with the said individual as he has also been regularized with effect from 01.04.1984 in the same post of Practical Sericulturist.

7. However, the plea raised by the respondent was rejected by proceedings dated 17.02.2011 by the second appellant herein. Challenging the same, he filed the said writ petition.

8. The learned Judge, who considered the case of the respondent along with the said Srinivasan as both were similarly placed and had been regularized in the post of Practical Sericulturist with effect from 01.04.1984 and had also considered the stand taken by the appellant Department in the counter affidavit filed before the Writ Court.



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9. Since the appellant Department had taken a stand that though he has got all qualifications to be considered for promotion to the post of Junior Inspector of Sericulture he was not given such promotion because he attained the superannuation. The learned Judge has considered these aspects and has held that before the respondent superannuated, along with the said Srinivasan he could have been considered for promotion to the post of Junior Inspector of Sericulture with effect from 18.07.2007, when such a consideration has not been made and when a representation was given by the respondent, even that was also negated by passing the order dated 17.02.2011. The learned Judge found that the said approach of the appellant Department is erroneous and therefore, he was of the view that the respondent even though got superannuated and retired from service he can be considered for promotion to the post of Junior Inspector of Sericulture with effect from 19.07.2007 i.e., the next day to the promotion given to the said Srinivasan of-course notionally with all other attendant and service benefits.

10. The said order though has been challenged in this writ appeal, we do not find any plausible reason to interfere with the same. What has been available to the said Srinivasan should be made available to the respondent also as both were similarly placed.



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11. Moreover, no other plausible reasons has been stated by the appellant Department to sustain their stand and their order dated 17.02.2011 to deny such promotion of-course even notionally to the respondent.

12. When that being so, the reasoning given by the learned Judge and the conclusion reached by him in giving such a direction to the appellant Department to give such promotion to the respondent as Junior Inspector of Sericulture notionally with effect from 19.07.2007 is fully justifiable. Therefore, we do not find any reason to interfere with the said order. Hence, this appeal fails and accordingly, it is dismissed. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(K.B., J.)

12.02.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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