



W.P.No.11276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11276 of 2024

A.S.Saravanan

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Industries Department,
Secretariat,
Chennai – 600 009.
2. The Commissioner of Sugar,
Aavin Illam,
No.3A, Pasumpon Muthuramalinganar Salai,
Nandanam,
Chennai – 600035.
3. The Administrator,
Subramaniya Siva Cooperative
Sugar Mills Limited,
Gopalapuram – 636904,
Dharmapuri District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to forward the necessary proposal, as per letter in R.C.No.2532/S and L2/2022, dated 03.10.2023 to the first respondent for grant of promotion to the post of Assistant Engineer (Mechanical) by relaxing the feeder category and pass orders expeditiously.



W.P.No.11276 of 2024

For Petitioner : Mr.N.Palanikumar
For R1 and R2 : Mr.V.P.P.Elamparithi
Additional Government Pleader
For R3 : Notice served
No appearance
ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the second respondent to forward the necessary proposal, as per letter in R.C.No.2532/S and L2/2022, dated 03.10.2023 to the first respondent for grant of promotion to the post of Assistant Engineer (Mechanical) by relaxing the feeder category and pass orders expeditiously.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and perused the materials available on record. Though notice served on the third respondent and the name has been printed in the cause list, today, no one appeared before this Court in person or through pleader.

3. The petitioner is qualified with Diploma in Mechanical Engineering. He was appointed by the third respondent dated 02.12.1997 in Cane Yard Masthur and joined duty on 05.12.1997. Thereafter, his post was re-designated as Crystallizer-cum-Pug mill attender in the manufacturing department.



W.P.No.11276 of 2024

Thereafter, by the communication dated 28.03.2006, the third respondent placed the petitioner in the post of Junior Engineer (Mechanical) on temporary basis. Thereafter, the petitioner is also holding the post of Assistant Engineer from 13.12.2022 till date. The second respondent, by its communication dated 23.02.2021, communicated the provisional seniority list for the post of Assistant Engineer in which, the petitioner name was also found place and the reason was given as not eligible for the post of Assistant Engineer, since he was not in a feeder category. Therefore, the petitioner submitted a representation to forward his name for promotion to the post of Assistant Engineer by relaxing the feeder category post.

4. The learned counsel for the petitioner relied upon G.O.Ms.No.32 Industries (MIC2) Department, dated 25.02.2016, thereby relaxed the feeder category to the post of Assistant Engineer in respect of one V.Ananthan, based on the proposal sent by the second respondent who is also similarly placed person as the petitioner. Therefore, the petitioner submitted a representation to consider his name for promotion to the post of Assistant Engineer.

5. A perusal of the counter and the submissions made by the learned Additional Government Pleader appearing for the respondents 1 and 2 revealed



W.P.No.11276 of 2024

that the petitioner is now working in the regular post as Crystallizer-cum-pug mill attender which does not fall in the feeder category for promotion to the post of Assistant Engineer. The feeder category is Junior Engineer (Mechanical)/ Draughts man for promotion to the post of Assistant Engineer. That apart, the said V.Ananthan, who had joined as Instrument Mechanic in Ambur Cooperative Sugar Mill, on 21.11.1998 had possessed the required qualification for Assistant Engineer. Therefore, he was permitted to work as Assistant Engineer (Mechanical) in charge on 26.07.2005 in the vacant place of Ambur Cooperative Sugar Mill without any change in upgrading in the scale of pay.

6. In the year 2013, all the qualified persons available in the feeder category were promoted as Assistant Engineer as per G.O.Ms.No.68, Industries (MIC2) Department, dated 01.03.2011. Thereafter, no qualified hands were available in the Cooperative Sugar Mills/Public Sector Sugar Mills, since the Junior Engineer is the feeder category for promotion to the post of Assistant Engineer. Further, the petitioner had not possessed the required qualifications for the post of Assistant Engineer. Therefore, the petitioner cannot compare the case of the said V.Ananthan, who was given promotion long back by relaxing feeder category as a special case. Further, 16% of Assistant Engineer (Mechanical) is a direct recruitment post and 84% were by promotion from the



W.P.No.11276 of 2024

1. The Principal Secretary to Government,
Industries Department,
Secretariat,
Chennai – 600 009.
2. The Commissioner of Sugar,
Aavin Illam,
No.3A, Pasumpon Muthuramalinganar Salai,
Nandanam,
Chennai – 600035.
3. The Administrator,
Subramaniya Siva Cooperative
Sugar Mills Limited,
Gopalapuram – 636904,
Dharmapuri District.

W.P.No.11276 of 2024

03.07.2024