



W.P.No.491 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.491 of 2016
and W.M.P.Nos.329 & 330 of 2016 and 4860 of 2019

S.N.Mathesan

... Petitioner

Vs.

1. The Commissioner
Directorate of Technical Education
Guindy,
Chennai 600 025.

2. The Principal
Government Engineering College,
Salem 636 011
Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records in pursuant to the order in reference No.3833/C2/2015 dated 04.11.2015 passed by the 2nd respondent and quash the same and consequently direct the respondents to promote the petitioner as an instructor workshop in the second respondent's college with all monetary benefits.



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For Petitioner : Mr.M.Elango
For Respondent : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition is filed challenging the order dated 04.11.2015 passed by the 2nd respondent, wherein the petitioner's request for promotion to the post of instructor in the 2nd respondent's College was declined.

2. The case of the petitioner is that he was appointed as a Fitter by the 2nd respondent through his proceeding No.2516/C2/2008-5 on 07.12.2009. Thereafter, on 06.07.2011 the 2nd respondent in his proceeding No.2516/C2/2008-5 dated 06.07.2011 regularised the petitioner's service in the cadre of Fitter with effect from 18.12.2009 and on 29.12.2011 the 2nd respondent in his proceedings No.2516/C2/2008-5 declared that the petitioner had successfully completed the probation period. Since the petitioner was working as a Fitter from the initial date of appointment, on 09.01.2014 he made several representations to the 2nd respondent College seeking promotion to the post of Instructor, but there was no response. The petitioner further sent representations on 16.10.2015 and 26.12.2015 and the 2nd respondent by impugned order dated 04.11.2015 rejected the petitioner's request for promotion



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as Instructor. Aggrieved by the above order passed by the 2nd respondent, the writ petitioner has come forward with the writ petition.

3. The learned counsel appearing for the petitioner submitted that the post of Fitter is equivalent to the post of Artisan Grade-I in view of G.O.Ms.No.2099/Education Department dated 22.09.1976 and therefore the petitioner is entitled to be promoted as Instructor.

4. The learned Government Advocate appearing for the respondent submitted that the post of Fitter is not equivalent to the post of Artisan Grade-I, but equivalent to Artisan Grade-II and therefore the petitioner could not be promoted to the post of Instructor. He further submitted that the feeder category for the post of Instructor is Artisan Grade I with three years experience and hence the petitioner is not entitled for promotion to the post of Instructor from the post of Fitter. At the time of hearing, the learned Government Advocate produced a copy of the proceedings dated 03.11.2020. In the said proceedings while accepting the relinquishment of the petitioner to the post of Artisan Grade I it was stated that on completion of three years from the date of the said proceedings, when the selection list for Artisan Grade I is prepared, the name of



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the petitioners would be included as per seniority.

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5. At this juncture, the learned counsel for the petitioner submitted that though the petitioner had relinquished the promotion then, he was now prepared to take up the promotion and therefore the petitioner should be considered for promotion as per the aforesaid proceedings.

6. The learned Government Advocate submitted that the petitioner would be considered for promotion as stated in the proceedings dated 03.11.2020.

7. The submissions of the learned counsel for the petitioner and also the learned Government Advocate appearing for the respondent are recorded. I find no infirmity in the impugned order dated 04.11.2015 passed by the 2nd respondent and hence the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes /No

Speaking Order : Yes/No



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N.MALA, J.

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