



W.P.No.23328 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23328 of 2021

Dr.Rajesh Katyal

... Petitioner

Vs.

1.Union of India,
Ministry of New and Renewable Energy
Rep by its Secretary to Government,
CGO Complex, Block No.14,
Lodhi Road, New Delhi 110 003.

2.The Director General,
National Institute of Wind Energy,
657/1A, Velachery-Tambaram Main Road,
Pallikaranai, Chennai 600 100.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant upgradation / promotion to the petitioner as Scientist G / Joint Director General with effect from 01.01.2019 viz., on completion of 5 years of service in terms of National Institute of Wind Energy (Pay, Recruitment and Promotion) Rules with all attendant and monetary benefits.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.V.Ashok Kumar, CGSC

No appearance for R5



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to grant upgradation / promotion to the petitioner as Scientist G / Joint Director General with effect from 01.01.2019 viz., on completion of 5 years of service in terms of National Institute of Wind Energy (Pay, Recruitment and Promotion) Rules with all attendant and monetary benefits.

2. Heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr.V.Ashok Kumar, learned Central Government Standing Counsel for the respondents.

3. The petitioner was appointed as Scientist D through direct recruitment on 10.11.2003 in the second respondent Institution and he completed his probation on 20.11.2004. The petitioner was promoted to the higher grade of Scientist E with effect from 01.01.2009 and he was further promoted to Scientist F grade on 01.01.2014. Now the petitioner is entitled to be promoted to Scientist G Grade as he has completed five



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years of service from 01.01.2014. Since the petitioner has claimed that he has completed five years of service with effect from 01.01.2019, the second respondent Institute also recommended that the petitioner is eligible to be promoted to Scientist G. But so far, no order has been passed.

4. As per the National Institute of Wind Energy (Pay, Recruitment and Promotion) Rules, the petitioner is eligible to be promoted to Scientist G as he completed five years of service in Scientist F. Hence the relief sought in this Writ Petition should be granted.

5. In view of the above stated reasons, this Writ Petition is allowed and the first respondent is directed to consider the proposal sent by the second respondent and pass orders, if the petitioner is found eligible, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

- 1.The Secretary to Government,
Union of India,
Ministry of New and Renewable Energy
CGO Complex, Block No.14,
Lodhi Road, New Delhi 110 003.
- 2.The Director General,
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