



W.P.(MD).No.13778 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13778 of 2024

and

W.M.P.(MD).Nos.12119 and 12121 of 2024

R.Viswanathan

...Petitioner

Vs

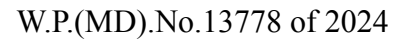
1.The Director of Collegiate Education,
Directorate of College Education,
Saidapet,
Chennai.

2.The Joint Director of Collegiate Education,
Trichirappalli Zone, Kamarajar Campus,
Trichy District.

3.Seethalakshmi Ramasami College,
Represented by its Secretary,
No.5, Sankaran Pillai Road,
Trichy,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Ref.MTO/SRC/2023/RJD/29 dated 30.08.2023 and quash the same as illegal and consequently direct the





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3. Mr.C.Venkatesh Kumar, learned counsel for the petitioner submitted that the petitioner is said to have made representations on 04.07.2023 and 17.07.2023 stating that he was not granted with the pensionary benefits attached to the post of Office Superintendent and his pensionary benefits has been fixed in the post of Assistant. The submission of the petitioner is that the petitioner was given with the promotion as Office Superintendent. However, in view of the Writ Petition filed by one Lakshmi who has challenged the charge memo issued against her, the petitioner's retirement benefits have been reduced to the post of Assistant. In the promotion order issued to the petitioner on 25.11.2021 itself, it has been stated that promotion of the petitioner to the post of Office Superintendent is subject to the order if any passed in the Writ Petition filed by one Lakshmi. However, in the Writ Petition filed by Lakshmi in W.P.(MD)No.5399 of 2018, the charge memo issued against her was quashed by allowing the Writ Petition on 01.12.2021. The petitioner is also one of the parties to the Writ Petition as the fourth respondent.



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4. Now, the authorities concerned has to workout the entitlement of Lakshmi, in pursuant to the order passed in the Writ Petition in W.P.(MD).No.5399 of 2018 dated 01.12.2021, for her promotion and then consider the representation of the petitioner. Since the petitioner is already a party to the Writ Petition in W.P.(MD).No.5399 of 2018 and he has not challenged the order passed therein, he has to wait until the authorities concerned re-work the entitlement of Lakshmi, in the light of the orders passed in the above Writ Petition.

5. Mr.C.Venkatesh Kumar, learned counsel for the petitioner submitted that the said Lakshmi has retired on 31.01.2023 as Assistant and she has not claimed promotion to the post of Office Superintendent at the time of her retirement. The fact remains that the petitioner has been given with the promotion only because of some disciplinary action pending against Lakshmi and the same got quashed pursuant to the order passed in W.P.(MD).No.5399 of 2018 dated 01.12.2021. Hence, the promotion of the petitioner would have the impact of the above order passed in favour of Lakshmi. Hence, the petitioner has to wait until the entitlement of Lakshmi to the promotional post is worked out even



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though the said Lakshmi has not made any specific representation in this behalf. The confusion continues in view of the silence maintained by the Department without doing the above exercise.

6. In view of the reasons stated above, this Writ Petition is **disposed of** with a direction to the third respondent to make appropriate proposal to the second respondent as to whom he considers to be promoted to the post of Office Superintendent and give a quietus. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Director of Collegiate Education,
Directorate of College Education,
Saidapet, Chennai.
- 2.The Joint Director of Collegiate Education,
Trichirappalli Zone, Kamarajar Campus,
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R.N.MANJULA, J.

Nsr

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