



W.P.(MD)No.19885 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19885 of 2017
and
W.M.P.(MD).No.16156 of 2017

Pushbakaran

... Petitioner

Vs.

- 1.The Director of Employment and Training,
Guindy,
Chennai-32.
- 2.The Joint Director (Crafts and Training),
Directorate of Employment and Training,
Guindy,
Chennai-3.
- 3.The Government Industrial Training Institute,
Represented by its Principal,
Pettai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceeding vide Na.Ka.No.42611/Tho.Nu.Pa.1/2016, dated 12.10.2017 and quash the same as illegal and may consequently direct the first respondent to promote the petitioner as Training Officer proportionate to his seniority.



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For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.G.Suriya Ananth,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 12.10.2017, passed by the first respondent, rejecting the petitioner's request to promote him as Training Officer proportionate to his seniority.

2. Learned counsel appearing for the petitioner drew the attention of this Court to an order dated 26.10.2022, passed by this Court in W.P.(MD).No. 20575 of 2015, in a connected Writ Petition filed by the very same petitioner and would submit that in the said order, it has been made clear that the charges framed against the petitioner, which was the reason for non-grant of promotion to the petitioner under the impugned order was held to be baseless and a direction was also issued in the said order to consider the request of the petitioner for promotion for the grant of notional promotion without entitling the petitioner to get any monetary benefit on account of the grant of notional promotion.



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3. The impugned order was passed on 12.10.2017 and a direction to consider the petitioner's name for promotion to the post of Training Officer from 30.12.2014 was issued by this Court in the connected Writ Petition filed by the very same petitioner in W.P.(MD).No.20575 of 2015 only on 26.10.2022. Since the impugned order has not taken note of the subsequent development *viz.*, passing of the order dated 26.10.2022 passed in favour of the petitioner in W.P.(MD).No.20575 of 2015, necessarily, the impugned order dated 12.10.2017, passed by the first respondent, has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law in the light of the directions given by this Court on 26.10.2022 in the Writ Petition filed by the very same petitioner in W.P.(MD).No.20575 of 2015.

4. In the result, the impugned order dated 12.10.2017, passed by the first respondent, rejecting the petitioner's request for being promoted as Training Officer proportionate to his seniority is hereby quashed and the first respondent is directed to pass fresh orders on merits and in accordance with law in the light of the order dated 26.10.2022, passed by this Court in the Writ Petition filed by



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the very same petitioner in W.P.(MD).No.20575 of 2015, within a period of three months from the date of receipt of a copy of this order. It is also to be noted that the petitioner had retired from service on 31.01.2019 and the respondents shall also take note of the same while passing the final order.

5. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Director of Employment and Training,
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Chennai-32.
- 2.The Joint Director (Crafts and Training),
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- 3.The Principal,
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ABDUL QUDDHOSE, J.

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