



WEB COPY

W.P.No.13923 of 2011



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.13923 of 2011
and M.P.No.2 of 2011

P.Jeevanandam

...

Petitioner

versus

1.Director,
Information and Public Relations,
Fort St. George,
Chennai - 600 009.

2.The Joint Director / The Principal,
M.G.R. Govt. Film and
Television Training Institute,
Chennai - 600 113.

3.M.Ganesamurthy,
Skilled Assistant Film Processing
M.G.R. Govt. Film and
Television Training Institute,
Chennai - 600 113.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in relation to the impugned order No.1116/E1/2010 dated 01.06.2011 promoting the third respondent to the post of Skilled Assistant, Film Processing Division of second respondent



and quash the same and further direct the second respondent to consider for promotion of the petitioner to the post of Skilled Assistant with all service benefits on the basis of the petitioner's representation dated 28.09.2010.

For Petitioner : Mr.K.Santhosh Kumar
for Mr.M.Muthappan
For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader - R1 & R2
No Appearance - R3

ORDER

This writ petition is filed challenging the order of the third respondent dated 01.06.2011 promoting the third respondent to the post of Skilled Assistant, Film Processing Division.

2. It is the case of the petitioner that he was originally appointed as Laboratory Attendant under Rule 10(a)(1) of the Tamil Nadu State and Subordinate Service Rules in the second respondent office. It is his further grievance that when he originally joined in the post of Laboratory Attendant as early as on 04.04.2008, the third respondent herein who had joined in the post of Laboratory Attendant only on 01.09.2008 had been considered for promotion to the post of Skilled Assistant. According to the petitioner, his name has been skipped when he is eligible to be considered for the



promotion post of Skilled Assistant and the promotion had been given to the third respondent who was junior, therefore the petitioner had preferred the above writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2 and perused the materials available on record.

4. The learned counsel for the petitioner contended that when admittedly the petitioner had joined in the post of Laboratory Attendant on 04.04.2008 and the third respondent had joined only on 01.09.2008 and his services have been regularised and also probation has been declared, the impugned order effecting promotion to the third respondent by overlooking the name of the petitioner is arbitrary.

5. Learned counsel further asserted that the petitioner has a right to be considered for promotion and when there was a vacancy in the promotional post of Skilled Assistant and the petitioner being senior, he



ought to have been considered before his junior, but the third respondent was considered and promoted to the higher post.

6. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2 by relying on the averments in the counter affidavit submitted that the post of Skilled Assistant is governed by the Adhoc Rules framed under G.O.(Ms.)No.661 Information and Public Relations (Admn.II) Department dated 28.02.1974 and G.O.(Ms.)No.1277 Public (Information and Public Relations-Admin.II) Department dated 27.06.1979 and as per the Adhoc Rules, a candidate should have two years of experience in appropriate trade to be promoted to the post of Skilled Assistant and only since the petitioner did not possess the required experience, his name was not considered and admittedly since the third respondent was qualified as per the Adhoc Rules, the promotion was effected.

7. In this regard, the first respondent has filed a detailed counter affidavit. The relevant portion is extracted hereunder:-



WEB COPY



“The third respondent Thiru.M.Ganesamurthy, Laboratory Attendant was promoted as Skilled Assistant as per the Adhoc Rules of Skilled Assistant (Adhoc Rules are enclosed)

As per the G.O.Ms.No.661, Information and Public Relations (Admin.II) Department, Dated 28/2/1974 and G.O.Ms.No.1277, Public (Information and Public Relations Admin.II) Department, Dated 27.06.79, the Adhoc Rules are prescribed for the post of Skilled Assistant are as follows.

<i>By direct recruitment or by Recruitment by transfer or By transfer</i>	<i>A Pass in III from or VIII Std of a recognized school and Practical Experience of less than three year in the appropriate trade in respect of which recruitment is made.</i>
---	---

<i>BY promotion</i>	<i>From among the holders of the Post of Skilled Attender or Laboratory Attendant in the Institute of Film Technology or Tamil Nadu Films Division with Two years of experience in appropriate trade.</i>
---------------------	---

Thiru.M.Ganesamurthy, Lab Attendant has fulfilled the required Qualification and experience in Film Processing Section for more than two years, and hence he is promoted as Skilled Assistant in the Film Processing Section.

Thiru.P.Jeevanandam Lab Attendant is now working in TV Section and he has not having experience in Film Processing Section. Hence the claim of the individuals is not correct.”

8. It could be seen that though the petitioner was appointed as Laboratory Attendant as early as on 04.04.2008 and the third respondent was appointed as Laboratory Attendant only on 01.09.2008 and the petitioner is admittedly senior to the third respondent in the category of lab



attendant, however when the vacancy arose in the post of Skilled Assistant, the post of Skilled Assistant is governed by the Adhoc Rules.

9. As extracted above, for promotion of the candidate from lab attendant to the post of Skilled Assistant, the candidates from among the holders of the post of Skilled Assistant or lab attendant with two years of experience in appropriate trade alone will be considered.

10. Since the petitioner did not have the experience in the Film Processing Section as he was only working in TV Section, the petitioner did not possess the required experience as contemplated under the Adhoc Rules. Whereas the third respondent who is working in the Film Processing Section alone was having the requisite experience as contemplated under the Adhoc Rules and therefore the second respondent has considered the name of the third respondent and he had been promoted to the post of Skilled Assistant.

11. In view of the same, since only based on the technical experience in Film Processing works as per the Adhoc Rules, the petitioner



was not having requisite qualification and the third respondent had admittedly possessed the experience, he had been promoted to the post of Skilled Assistant. As such the challenge made to the promotion effected to the third respondent fails and accordingly, the Writ Petition stands **dismissed**. Consequently, connected Miscellaneous Petition is closed.

12. There shall be no order as to costs.

03.01.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

- 1.The Director,
Information and Public Relations,
Fort St. George,
Chennai - 600 009.
- 2.The Joint Director / The Principal,
M.G.R. Govt. Film and Television Training Institute,
Chennai - 600 113.



WEB COPY

W.P.No.13923 of 2011



G.ARUL MURUGAN, J.

sri

W.P.No.13923 of 2011
and M.P.No.2 of 2011

03.01.2025