



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 34727 of 2018

1. N.P.Gunaseelan
S/o.N.K.Palanisamy,93 B, Postal staffs
colony, Vasavi college post, Erode 638
316 Erode

Petitioner(s)

Vs

1. The Principal
Institute of Road and Transport
Technology, Erode 638316Erode

2.The Director
Institute of Road, Transport, Taramani,
chennai 600113

Respondent(s)

PRAYER: Writ petition is filed under Section 226 of the Constitution of India for issuance of a Writ of mandamus directing the respondents to redesignate as Junior Assistant from the date of regularization of their service w.e.f.01.07.1989 and to promote the petitioners herein pursuant to the order of this Honourable court passed in WP No.3017/1993 dated 16.6.2004 which was confirmed by the Honourable Supreme court in SLP No. 19495/2006 as in the case of juniors of the petitioners and the order dated 22.2.2017 passed in WP No. 4365/2017



with all attended benefits.

For Petitioner(s): M/s.R.Kannan

For Respondent(s): Mr.Kala Ramesh
for R1

No appearance for R1

ORDER

This writ petition has been filed to direct the respondents to redesignate the petitioner as Junior Assistant from the date of regularization of his service w.e.f.01.07.1989 and to promote the petitioner in pursuant to the order of this Court passed in WP No.3017/1993 dated 16.6.2004 which was confirmed by the Honourable Supreme court in SLP No. 19495/2006 with all attendant benefits.

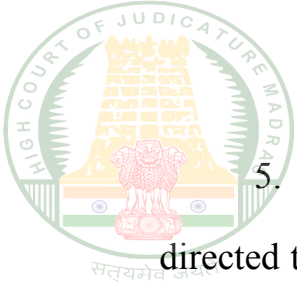
2. Mr.R.Kannan, the learned counsel for the petitioner, submitted that the petitioner joined services of the respondent institution in the year 1987 as Clerical Trainee and later his services have been regularized with effect from 27.07.1989 as Record Clerk. Persons similarly placed and joined along with the petitioner have been designated as Junior Assistant. Some of such persons have filed a writ petition in W.P.No.3017/1993 for seeking direction against the respondent to fix the scale of pay on par with the Junior Assistant's scale of pay with effect from 01.07.1989. The said writ petition was allowed on 16.06.2004. The Writ Appeal filed challenging the above order has been allowed by confirming the order passed in the writ petition. The SLP filed against the order



passed in the writ appeal got dismissed for default on 27.02.2013. However, the SLP once again got restored and again dismissed on 21.04.2014 on merits and pursuant to the orders of the Apex Court, they were promoted to the post of Superintendent. However, the petitioner's representation to extend the same benefit has not been considered so far. In this regard he has also filed a writ petition in W.P.No.4365/2017 and a direction has been given to the respondents to consider the representation of the petitioner. Since the order was not complied the petitioner had once again file the writ petition seeking the same relief without filing a contempt petition.

3. Mr.Kalaramesh, the learned counsel for the second respondent, submitted that the respondents are ready and willing to pass orders in terms of the order passed in the earlier writ petition. It is submitted that the petitioner cannot be promoted to the post of Superintendent but however notional benefit can be given to him by re-designating him to the post of Junior Assistant and Assistant.

4. Whatever may be the case the respondents have not passed any orders in terms of the earlier direction of this Court till now. In view of the same and also considering the submission made by the learned counsel for the second respondent, I feel the writ petition can be disposed of with a direction to consider the representation of the petitioner.



5. In the result, the writ petition is disposed and the respondents are directed to consider the representation of the petitioner and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

03-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA J.

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