

(2006) 09 MAD CK 0137

In the Madras High Court

Case No : Writ Petition No. 14296 of 2006

S. Balasambandamoorthy

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 29-09-2006

Acts Referred:

Citation : (2006) 09 MAD CK 0137

Hon'ble Judges : K. Suguna, J

Bench : Single Bench

Advocate : R. Singaravelan, for the Appellant; Geetha Thamaraiselvan, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

K. Suguna, J.—The petitioner has originally filed O.A. No. 4765 of 1992 on the file of the Tamilnadu Administrative Tribunal, challenging

the order of the Chief Engineer, Public Works Department, dated 23.09.1991 and the same has been transferred to the file of this Hon"ble Court

and re-numbered as W.P. No. 14296 of 2006.

2. According to the learned Counsel for the petitioner, the petitioner, on completion of ten years of service in the cadre of Junior Assistant, is

eligible for awarding of Selection Grade, but by the impugned order, the Selection Grade has been denied to the petitioner on the ground that the

petitioner had not had the requisite qualifications, which are essential for promotion to the post of Assistant. But as per G.O.Ms. No. 276, Public

and Administrative Reforms (Personnel.S) Department, dated 07.08.1999, the Government has issued a specific order stating that the criterion

that one should possess the qualifications, pass the tests, if any, which are

essential for promotion to the next higher cadre need not be insisted for movement to the Selection Grade and Special Grade. In view of this Government Order, according to the learned Counsel for the petitioner, the impugned order of the second respondent dated 23.09.1995 is prima facie illegal and the same has to be set aside.

3. As rightly contended by the learned Counsel for the petitioner, the reason basing on which the petitioner's request for awarding of selection

grade has been refused by the impugned order, is contrary to the order issued in G.O.Ms. No. 276 dated 07.08.1999. The said Government

Order is issued basing on the orders of this Court in a batch of Writ Petitions and since the issue in question is fully covered by the orders issued in

G.O.Ms. No. 276 dated 07.08.1999, the impugned order is set aside and the writ petition is allowed. There is no order as to costs.