

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11660 of 2015

M.Angayee

.. Petitioner

-vs-

1. The Director of School Education (Personnel)
College Road
Chennai-6
2. The Joint Director of School Education
(Personnel Establishment)
College Road
Chennai-6
3. The District Elementary Educational Officer
Salem
4. The District Elementary Educational Officer
Dharmapuri .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the order passed by him in his Proc.Na.Ka.No.91431/A4/E2/2008 dated 20.12.11 and also on the file of the first respondent in connection with the order passed by him in his Proc.Na.Ka.No.13913/C4/E2/2012 dated .12.2012 and signed on 4.1.2013 and quash the same and direct the respondents to promote the petitioner to the post of Superintendent with effect from the date of promotion given to her juniors in September 2008 with all monetary and service benefits.

For Petitioner :: Mr.R.Singaravelan for
Ms.M.Srividhya

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner seeks for issuance of a writ of certiorarified mandamus, to call for the records on the file of the second respondent in connection with the order passed by him in his Proc.Na.Ka.No.91431/A4/E2/2008 dated 20.12.11, as confirmed by the first respondent in his Proc.Na.Ka.No.13913/C4/E2/2012 dated . 12.2012 and signed on 4.1.2013, to quash the same with a consequential direction to the respondents to promote her to the post of Superintendent with effect from the date of promotion given to her juniors in September, 2008 with all monetary and service benefits.

2. The petitioner, who was appointed as Typist through employment exchange on merits and joined service on 3.4.84 in the office of the respondents, got promotion to the post of Assistant on 26.10.95. But her grievance shows that she should have been promoted to the post of Superintendent in September, 2008, the date of promotion given to her juniors. However, citing a reason that the disciplinary proceedings initiated against her by the charge memo dated 21.10.2008 was pending, she was not given promotion.

3. Mr.R.Singaravelan, learned counsel for the petitioner submitted that although the petitioner suffered an order of punishment of stoppage of increment for six months without cumulative effect by order dated 20.12.2011, even on completion of the said punishment on 20.6.2012, the respondents have not considered her case for promotion. Subsequently, when the District Elementary Educational Officer, Salem by his proceedings dated 4.11.2013 has clearly stated that had the enquiry initiated against the petitioner been completed and final orders been passed within a reasonable time, the period of punishment would have come to an end and that the name of the petitioner would have been included in the panel of promotion even on 15.3.2009 or 15.3.2010 itself. When the third respondent has also made a proceeding dated 4.11.2013, after completion of the currency of punishment that came to an end on 20.6.2012, no promotion whatsoever has been given. Therefore, the petitioner has made her representation. In the meanwhile, she also retired from service on reaching the age of superannuation on 30.4.2013. In the light of the above facts, the learned counsel sought for a direction to the first respondent-Director of School Education (Personnel), Chennai to consider the case of the petitioner by taking note of the proceedings of the third respondent dated 4.11.2013.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the respondents.

5. It is an admitted fact that the petitioner had suffered an order of punishment of stoppage of increment for six months without cumulative effect by order dated 20.12.2011 and the same also had come to an end on 20.6.2012 according to the learned counsel for the petitioner. Further, even the proceedings of the first respondent dated 4.1.2013, while considering the appeal of the petitioner, also shows that the punishment imposed against the petitioner had come to an end on 20.12.2012 and the same would not affect her promotion, since she was due to retire only on 30.4.2013. That apart, as contended by the learned counsel for the petitioner, the proceedings of the third respondent dated 4.11.2013 also show that the name of the petitioner would have been included in the panel of promotion even on 15.3.2009 or 15.3.2010 itself. In the light of the above facts, as the petitioner has completed the punishment of stoppage of increment for six months without cumulative effect far back in 2012, the first respondent is directed to consider the request of the petitioner for promotion, taking note of the further proceedings of the third respondent dated 4.11.2013, on merits, as she had already retired from service on 30.4.2013, and pass appropriate orders expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. The writ petition stands disposed of. Consequently, M.P.Nos.1 & 2 of 2015 are closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ss

To

1. The Director of School Education (Personnel)
College Road
Chennai-6
2. The Joint Director of School Education
(Personnel Establishment)
College Road
Chennai-6

3. The District Elementary Educational Officer
Salem

4. The District Elementary Educational Officer
Dharmapuri

1 cc to Mr.M. Srividhya, Advocate, sr. 21939
1 cc to Government Pleader, Sr. 21788

W.P.No.11660 of 2015

Tej (CO)
kk 25/5



WEB COPY