

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.16910 OF 2015

S.Ramkumar

...

Petitioner

Vs.

1. The Principal Secretary to Government,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai - 09.
2. The Commissioner,
Rural Development and Panchayatraj Department,
Panagal Building, Saidapet,
Chennai - 15,
3. The District Collector,
Villupuram District,
Villupuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus to direct the respondents to promote the petitioner as Assistant Director on par with his junior in view of acquittal in criminal case and grant all consequential service and monetary benefits.

For Petitioner : Mr.S.Sivakumar
For Respondents : Ms.M.E.Raniselvam, AGP

O R D E R

The petitioner is working as Block Development Officer and his next avenue for promotion is Assistant Director, Rural Development and Panchayat Raj. While his juniors were granted promotion he was denied promotion on the ground of pendency of criminal case. According to him, criminal case ended in acquittal. Hence, based on the acquittal by the criminal Court, he made representation on 31.7.2014 to the respondents seeking to promote him from the date of his immediate juniors' promotion. Now the petitioner has filed writ petition seeking a direction to the respondents to promote him as Assistant Director on par with his junior in view of acquittal in criminal case and grant all consequential service and monetary benefits.

2. When the matter is taken up for hearing, learned counsel appearing for petitioner submitted that the writ petition can be disposed of by directing the 3rd respondent to send appropriate proposal to the 2nd respondent based on the representation of the petitioner and the 2nd respondent could pass appropriate orders and forward the same to the 1st respondent to issue Government Order promoting the petitioner, if he is otherwise eligible.

3. Though a positive relief is sought for by the petitioner in the writ petition, in view of the limited relief sought for by the learned counsel for the petitioner, the writ petition is disposed of directing the 3rd respondent to send appropriate proposals to the 2nd respondent based on the representation dated 31.7.2014 of the petitioner for promoting the petitioner to the post of Assistant Director on notional basis within a period of six weeks from the date of receipt of copy of the order and the 2nd respondent is directed to forward the same to the 1st respondent within a period of three weeks thereafter and the 1st respondent is directed to pass an order on merits and in accordance with law within a period of eight weeks thereafter.

4. The writ petition is disposed of with the above observation. However, there is no order as to costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

usk

To

1. The Principal Secretary to Government,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai - 09.

2. The Commissioner,
Rural Development and
Panchayatraj Department,
Panagal Building, Saidapet,
Chennai - 15,

3. The District Collector,
Villupuram District,
Villupuram.

1 cc to Mr.S.Sivakumar , Advocate Sr.No.29055

1 cc to Government Pleader.Sr.No.29250

W.P.NO.16910 OF 2015

rj(co)pmk.26.6.2015