

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.20693 of 2015

A.Sankaran

... Petitioner

-Versus-

State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Home (Courts-VI) Department,
Secretariat,
Chennai 600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representations dated 18.10.2013, 07.03.2014 and 28.11.2014 and promote him as Deputy Director of Prosecution by including his name in the Panel for the year 2006 from 01.04.2006 and to confer all the consequential benefits.

For petitioner : Mr.P.Ganesan for
M/s.C.S. Associates

For Respondent : Mrs.M.E.Rani Selvam,
Additional Government Pleader

ORDER

The petitioner was initially appointed as a Grade II Assistant Public Prosecutor and subsequently, he was promoted as Grade I Assistant Public Prosecutor. Thereafter, he was further promoted as Assistant Director of Prosecution. He retired from service on 31.05.2006 on reaching the age of superannuation. According to the petitioner, he should have been promoted as Deputy Director of Prosecutor from Assistant Director of Prosecution.

2. It is the further case of the petitioner that the punishment of censure imposed on him by order dated 28.06.2005 and also the punishment of stoppage of increment for two years with cumulative effect inflicted on him by order dated 23.03.2004 would

not operate as bar for promotion. The grievance of the petitioner is that he made repeated representations to the respondents on 07.03.2014, 28.11.2014 and 14.04.2015 in this regard, but, there was no response. Hence, he has no option except to approach this court by way of this writ petition.

3. I have heard Mr.P.Ganesan, the learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, the learned Additional Government Pleader and also perused the records carefully.

4. The learned Additional Government Pleader relying on the amendment made to Rule 4(a) of The General Rules for the Tamil Nadu State and Subordinate Services effected by way of G.O.Ms.No.22, Personnel and Administrative Reforms (S) Department, dated 24.04.2015, would contend that those punishments would certainly operate as a bar for promotion.

5. Considering the limited scope of the prayer sought for by the petitioner and considering the facts and circumstances of the case, without going into the claim of the petitioner or into the correctness of the assertion made by the learned Additional Government Pleader, this court directs the respondent to consider the representations of the petitioner dated 18.10.2013, 07.03.2014 28.11.2014 and 14.04.2015 for promotion in the light G.O.Ms.No.22 P & AR Department, dated 24.02.2014 and on merits and in accordance with law and pass appropriate orders on the same within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Principal Secretary to Government,
Home (Courts-VI) Department,
Secretariat,
Chennai 600 009.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.35197
+1 cc to The Government Pleader, sr.35126 (27/10/2015)

W.P.No.20693 of 2015

UG (CO)

CA(31/07/2015)



WEB COPY