

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24951 of 2015

K.Moorthy

... Petitioner

Vs.

1. The Secretary to Government,
Handlooms, Khadi & Village Industries
Department, Fort St. George,
Chennai - 600 009
2. The Director of Handlooms & Textiles,
Kuralagam, Chennai - 108
3. The Managing Director, Co-optex,
No.350 Pantheon Road, Egmore,
Chennai - 600 008

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to award Selection Grade to the petitioner in the post of Office Manager with effect from 09.06.2007 and revise his pay and disburse all the Revised Terminal and other monetary benefits, including arrears of pay with interest.

For Petitioner : Mr. S.M.Subramaniam

For Respondents : Mr. S.Gunasekaran,
Govt. Advocate, for R1 & R2,
Mr. S.K.Bose, for R-3.

सत्यमेव जयते
O R D E R

Admit. Mr. S.Gunasekaran, learned Government Advocate, takes notice for respondents 1 and 2 and Mr.S.K.Bose, learned counsel, takes notice for the third respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, he was holding the post of Regional Manager, Co-optex, Madurai, and retired from service on attaining the age of superannuation on 31.08.2014. It is further stated by the petitioner that prior to that, he was promoted as Office manager on 09.06.1997 and he was eligible to get Selection Grade in the post of Office Manager with effect from the said date. Accordingly, proposals were sent to the Head Office and it was favourably considered and vide proceedings, dated 18.09.2007, the petitioner was conferred with Selection Grade with effect from

08.09.2007, which was not implemented on the ground that a charge memo was pending against him.

3. The disciplinary proceedings initiated against the petitioner is culminated in the order, dated 21.07.2009. The petitioner has also filed a revision under the provisions of The Tamil Nadu Cooperative Societies Act, 1983, and it was rejected on the ground of limitation. Thereafter, the petitioner approached the third respondent by filing an appeal and it was also rejected. Thereafter, the petitioner filed a Review under Section 154 of the said Act, but no orders came to be passed. Hence, the petitioner has come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that admittedly the petitioner was administered with an order of 'severe warning' and it is not the punishment at all and therefore, there is no impediment to confer him with the selection grade with effect from 08.09.2007; though the review petition was submitted to the first respondent as early as on 07.11.2012, the petitioner was not favoured with any response, hence the petitioner has come forward to file this writ petition.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents 1 to 2 and Mr.S.K.Bose, learned counsel, who accepts notice on behalf of the third respondent.

6. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, directs the second respondent to consider and dispose of the petitioner's review petition / representation, dated 07.11.2012, and the reminder representation, dated 12.06.2013, on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken to the petitioner.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

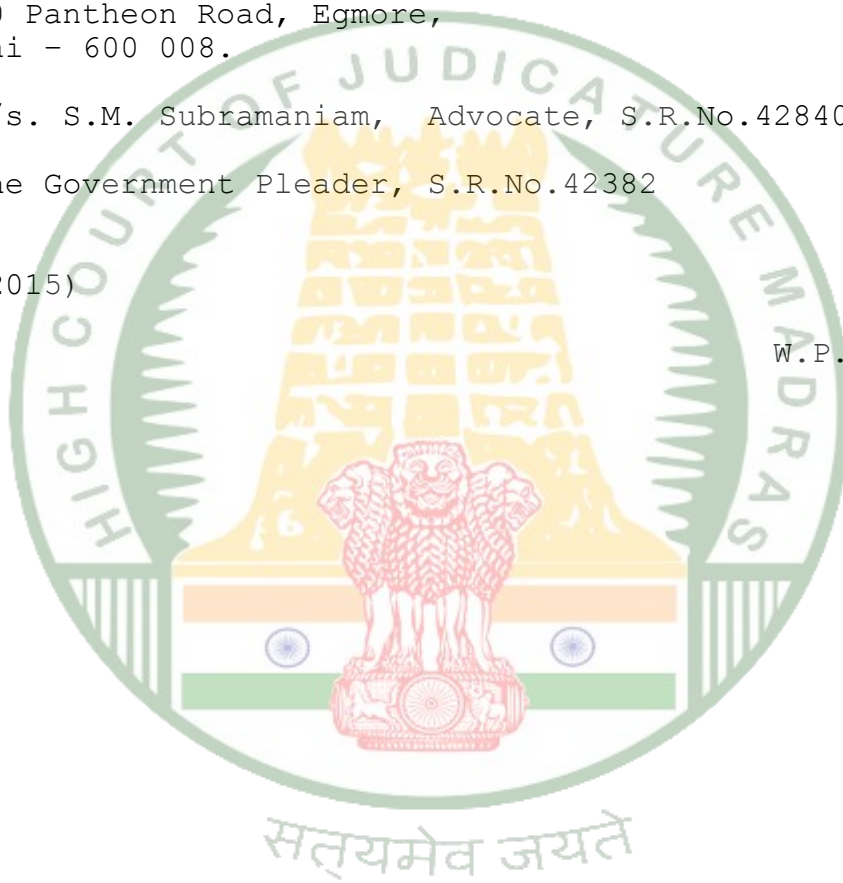
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+1cc to M/s. S.M. Subramaniam, Advocate, S.R.No.42840

+1cc to the Government Pleader, S.R.No.42382

GP(CO)
EU(04/09/2015)

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