

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.26296 of 2015

K.Senthilkumaran

.. Petitioner

vs

1.The Secretary to Government
Agriculture (AA4(1)) Department
Fort St. George, Chennai 600 009.

2.The Director of Agriculture
Chepauk, Chennai 600 005

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose of the petitioner's representation dated 17.7.2015.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he while working as the Superintendent in the Agricultural Engineering Department, was visited with a Disciplinary Proceeding under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and vide order dated 4.10.2012, passed by the second respondent, he was imposed with a punishment of postponement of one increment with cumulative effect. The petitioner aggrieved by the same, preferred a Departmental Appeal before the first respondent, who vide order dated 22.6.2015, has noted that there is a flaw for the reason that the petitioner has been imposed with a major penalty and therefore, once again remanded the matter to the second respondent. The petitioner challenging the legality of the said order, has filed W.P.No.26295/2015 and this Court has ordered notice of motion to both the respondents returnable on 30.10.2015.

3.It is the submission of the learned Counsel appearing for the petitioner, that now, the petitioner is due for promotion to the post of Administrative Officer, as his name has already been included in the panel, and technically, it is to be construed that the

Disciplinary Proceeding under Rule 17(1) is pending against him and however, it is not a bar to consider his claim for promotion to the said post and in this regard, has submitted a representation dated 17.7.2015, to the respondents and since he is yet to be favoured with any response, came forward to file this writ petition.

4.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, also.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the respondents 1 and 2 to consider the petitioner's representation dated 17.7.2015, in accordance with law, and pass orders thereon, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1.The Secretary to Government
Agriculture (AA4(1)) Department
Fort St. George, Chennai 600 009
- 2.The Director of Agriculture
Chepauk, Chennai 600 005

+ 1 cc to Mr.S. Ilamvaludhi, Advocate Sr.44675

W.P.No.26296 of 2015

PUR(CO)
Eu 28.08.15

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