

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27650 of 2015 and
M.P.No.1 of 2015

V.Sivaperumal

...Petitioner

-Vs-

- 1 The Director of Agriculture
Agricultural Department Chepauk-600 005.
 - 2 The Joint Director of
Agriculture Agricultural Department No.8
7th Cross Street Gandhi Nagar
Thiruvannamalai-606 601.
 - 3 The Assistant Director
of Agriculture Agricultural Department
Thellar Thiruvannamalai.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st respondent in Ka.No.Pa.U.P. 1/14534/2014 dated 10.02.2014 and quash the same and consequently direct the respondents to consider the case of the petitioner and to promote the petitioner with all consequential benefits including seniority arrears of salary.

For Petitioner : M/s.Nathan and Associates
For Respondents: Mr. R.Vijayakumar AGP

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The grievance expressed by the petitioner is that though he has passed account test for Executive Officer with books in the departmental examination conducted during December 2011 and that the disciplinary proceedings initiated under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules came to be closed vide G.O.3(D) No.49, Agricultural Department, dated 28.02.2013, his claim for promotion to the post of Assistant Director (Extn.,) has not been considered and it was also rejected vide impugned order dated 10.02.2014 and challenging the legality of the same, came forward to file this writ petition.

3. The learned counsel for the petitioner would submit that even for the sake of arguments, the petitioner was not eligible to get

promotion to the said post during the year 2010 for the reason that he has not passed account test for Executive Officer. The fact remains that he has passed the said examination subsequently, during December 2011 and further that disciplinary action initiated against him is also closed as per G.O.3(D) No.49, Agricultural Department, dated 28.02.2013 and hence, there is no impediment on the part of the respondents to consider the petitioner for promotion in the subsequent years and prays for appropriate orders.

4. Heard Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of R1 to R3.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances permits the petitioner to submit a detailed representation pointing out the above said points to respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order and respondents 1 and 2 on receipt of the same are directed to consider the said representation submitted by the petitioner on merits and in accordance with law and pass orders within a period of ten weeks, thereafter and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. Consequently, connected miscellaenous petition is closed. No costs.

kua

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1 The Director of Agriculture
Agricultural Department Chepauk-600 005.
- 2 The Joint Director of
Agriculture Agricultural Department No.8
7th Cross Street Gandhi Nagar
Thiruvannamalai-606 601.
- 3 The Assistant Director
of Agriculture Agricultural Department
Thellar Thiruvannamalai.

+1 cc to M/s. Nathan and Associates, Advocates, sr.47941

+1 cc to Government Pleader, sr.48107

kgk co, kra 18/09

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