

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28711/2015

R.Ravindran

..

Petitioner

Versus

1.The Registrar

Tamil Nadu Agricultural University,
Coimbatore 641 003.

2.The Dean

Agricultural College and Research
Institute, Madurai 625 104.

3.The Professor & Head

Central Farm Unit
Tamil Nadu Agriculture University
Coimbatore 641 003.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to consider the case of the petitioner for the promotion to the post of Assistant Account Officer as recommended by the 2nd respondent in Letter Ref.No.AO/D.O./AC&RI/MDU/Estt/ATS Part-II/2014 dated 28.05.2015 or to any other promotional post as per the order passed in MP.No.1/2014 in WP.No.6355/2009 dated 05.03.2015 and on the representations dated 10.07.2015 which was transmitted by the Dean, Agricultural College & Research University, Coimbatore to the Registrar, Tamil Nadu Agricultural University, Coimbatore.

For Petitioner : Mr.V.S.Jagadeesan

For RR 1 to 3 : Mr.Abdul Saleem

O R D E R

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

2 The petitioner, while working as an Assistant [Security], has been issued with a charge memo dated 09.03.2007 alleging negligence and dereliction of duty. The petitioner has submitted his explanation on 23.04.2007 and it was not accepted and an enquiry was ordered and based on the report of the Enquiry Officer, the petitioner was terminated from service vide order dated 10.06.2008 passed by the 1st respondent. The 1st respondent also ordered the recovery of a sum of Rs.74,988/-, being the loss towards deficiency in the stocks and stores of the Central Farm

Unit, Estate Officer, Tamil Nadu Agricultural University. The petitioner, challenging the order of termination, filed WP.No.6355/2009 and this Court, vide order dated 04.07.2013, disposed of the writ petition by setting aside the impugned order of termination with a direction directing the respondents therein to reinstate the petitioner in service with continuity of service for the purpose of disbursing the pensionary benefits but without backwages within a period of four weeks from the date of receipt of a copy of that order. The petitioner has reported for duty on 29.10.2013 and though he is entitled for continuity of service for the purpose of pensionary benefits and that consequently, he is entitled to promotion also, his claim has been overlooked and his juniors are promoted. The petitioner has also sought for clarification in WP.No.6355/2009 and this Court has disposed of the said miscellaneous petition on 05.03.2014 observing as follows:-

"4.This Court having observed in paragraph 12 of the order that the petitioner is deserved to be reinstated in service for the purpose of disbursing pensionary benefits without the benefit of back wages, has meant that the benefit of service to be given to the petitioner for all purposes only, not only for the purpose of disbursing the salary."

3 The claim of the petitioner is that in the light of the said clarification, he is entitled to get promotion as continuity of service and in this regard, he has submitted a representation dated 10.07.2015 to the respondents 1 and 2 and since no orders have been passed, he came forward to file this writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.Abdul Saleem, learned counsel who accepts notice on behalf of the respondents 1 to 3.

5 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 10.07.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Registrar
Tamil Nadu Agricultural University,
Coimbatore 641 003.

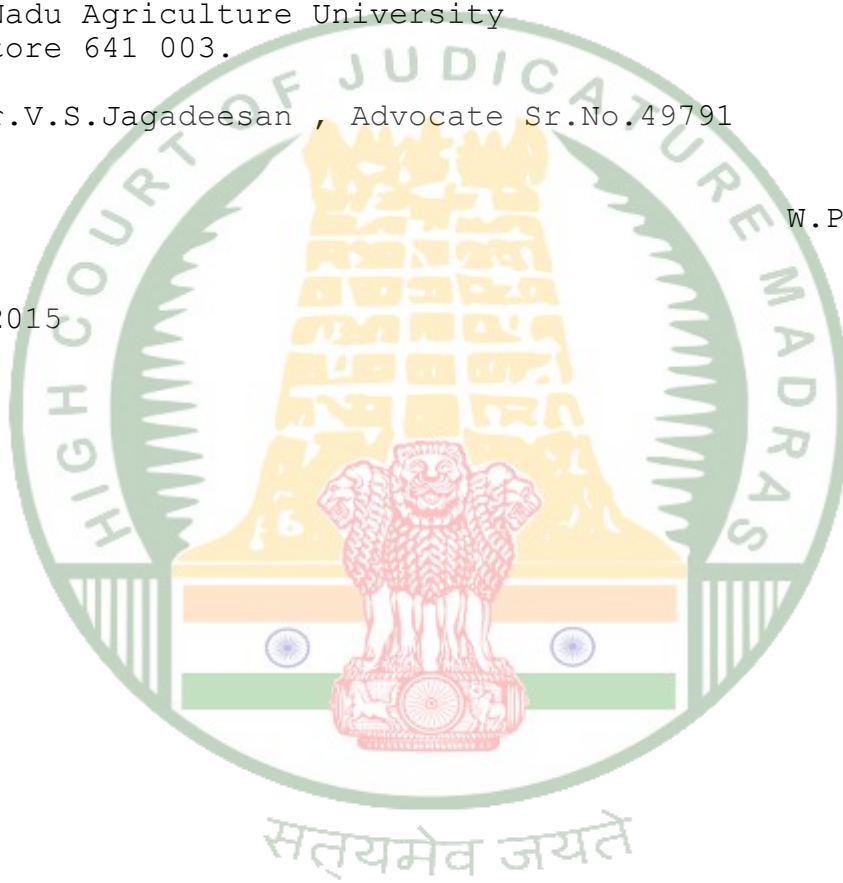
2.The Dean
Agricultural College and Research
Institute, Madurai 625 104.

3.The Professor & Head
Central Farm Unit
Tamil Nadu Agriculture University
Coimbatore 641 003.

1 cc to Mr.V.S.Jagadeesan , Advocate Sr.No.49791

W.P.No.28711/2015

km(co)
pmk.6.10.2015



WEB COPY