

THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30876 of 2015

K.Yogamala

..Petitioner

Versus

1.The Principal Secretary to Government
Government of Tamil Nadu
Handlooms, Handicrafts, Textiles &
Khadi Department, Secretariat,
Chennai 600 009.

2.The Director of Sericulture
Foulkes Compound, Anaaimedu
Salem 636 001.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider the claim of the petitioner for empanelment and promotion as Inspector of Sericulture in the year 2009-2010 and the consequential revision of empanelment and the date of promotion as Assistant Director of Sericulture and other benefits with notional effect, in the light of the petitioner's representations dated 19.05.2014 and 04.05.2015.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.N.Srinivasan, AGP

ORDER

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

2 The petitioner while working as ***Assistant Inspector of** Sericulture, was issued with a charge memo under Rule 17[a] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, which culminated into an order of punishment dated 07.05.2007 was imposed, imposing "stoppage of increment for 3 months without cumulative effect" and the petitioner was also issued with another charge memo under the very same rule on 31.07.2007, which also ended in the very same punishment and it was subsequently modified as censure, on the appeal preferred by the petitioner. The petitioner's claim is that the currency of punishment in the first case was over on 06.08.2007 and therefore, her name should have been included in the panel for promotion to the post of Inspector of Sericulture for the year 2009-2010 ; but was not included and in this regard, he has also submitted a representation dated 25.01.2010 for which, reply was given

stating that due to the currency of punishment, her name was not included. It is the claim of the petitioner that since the modified punishment of censure was awarded on 21.01.2009 which should relate back to the date of original punishment, i.e., 20.06.2008, the period of one year should have been over by 19.06.2009 and therefore, there may not be any impediment for her empanelment for the year 2009-2010 for the promotion to the post of Inspector of Sericulture.

3 The further grievance expressed by the petitioner is that in the seniority list of the Inspector of Sericulture, instead of placing her between Sl.No.173 and Sl.No.174, she has been placed at Sl.No.182 and in this regard, she has also submitted a representation to the Government dated 19.05.2014 and since no orders have been passed, the petitioner came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that in similar facts and circumstances, this Court, vide order dated 15.09.2009, made in WP.No.1277/2009, has considered the claim of the petitioner therein and further directed the respondents therein to include the name of the petitioner therein in the panel and confer him with all consequential benefits.

5 Heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 19.05.2014 and 04.05.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

-sd/-

ASSISTANT REGISTRAR
Dt:09/10/2015

***In para 2 corrected as per
order of this court dated
30.10.2015 and made in W.P.No.30876/2015**

**Sd/-Assistant Registrar(CS-VII)
Dt/3.11.2015**

/ TRUE COPY /

AP

To

1.The Principal Secretary to Government
Government of Tamil Nadu
Handlooms, Handicrafts, Textiles &

Khadi Department, Secretariat,
Chennai 600 009.

To be substituted to
order already
despatched on
20.10.2015

2.The Director of Sericulture
Foulkes Compound, Anaimeedu
Salem 636 001.

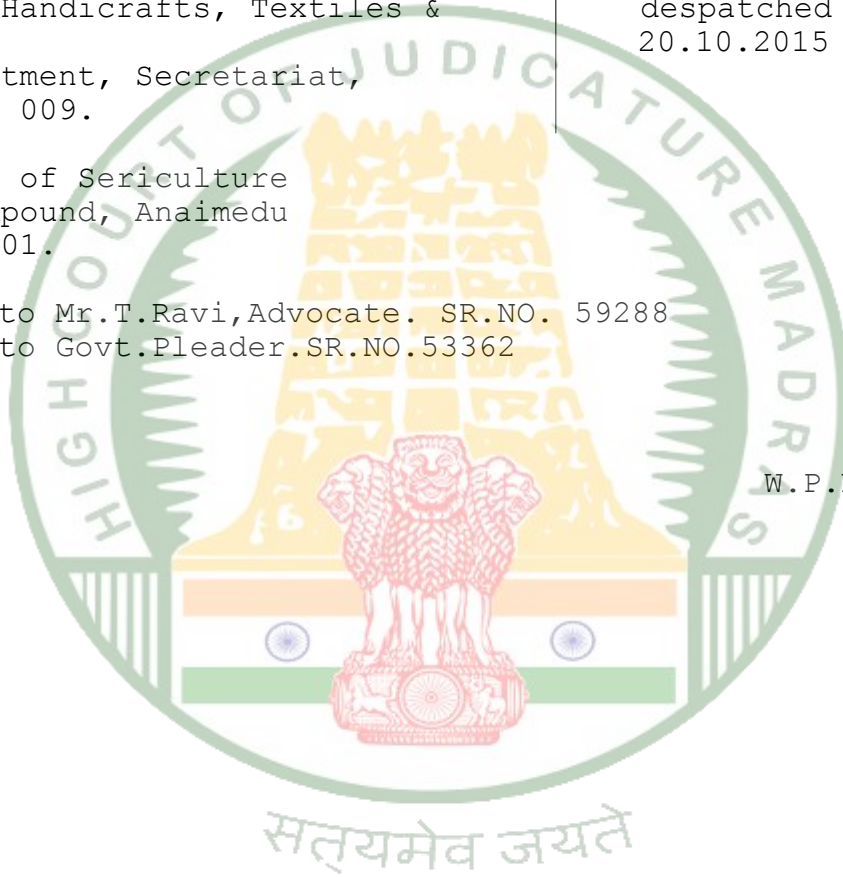
+2 CC to Mr.T.Ravi,Advocate. SR.NO. 59288
+1 CC to Govt.Pleader.SR.NO.53362

W.P.No.30876/2015

jsv[col]

srg 3/11/2015

JD 12/10/2015



WEB COPY