

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31054 of 2015

P.Muniyan

... Petitioner

Vs.

The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 9.

... Respondent

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent to promote the petitioner for the post of the Assistant Commissioner of Labour issued in the panel list during the year of 2015.

For Petitioner : Mr.L.Rajendran

For Respondent : Mr.N.Srinivasan,
Additional Government Pleader

ORDER

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

2.The petitioner, while working as Labour Officer, was issued with four charge memos dated 06.11.2012 08.02.2013, 21.01.2013 and 10.05.2013 under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. In respect of charge memos 1 and 3, the charges were held not proved and however, in respect of charge memos dated 08.02.2013 and 10.05.2013, though enquiry proceedings have been completed, no final orders have been passed so far. On account of the pendency of the said charge memos, the name of the petitioner is not included for promotion to the panel of Assistant Commissioner of Labour and in this regard, he has submitted a representation dated 22.9.2015 to the respondent and since no orders have been passed, came forward to file this writ petition.

3.Learned counsel appearing for the petitioner would submit that on account of the pendency of the charge memos, the name of the petitioner is not included in the panel for promotion to the post of Assistant Commissioner of Labour and though enquiry proceedings have been concluded, for the reasons best known, the final orders are yet to be passed and hence prays for appropriate orders.

4.The Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondent and he would submit that appropriate direction may be issued to the respondent to pass final orders in the above said charge memos, issued against the petitioner.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondent to pass final orders in accordance with law in the disciplinary proceedings in the charge memos dated 08.02.2013 and 10.05.2013, 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. The writ petition is disposed of accordingly. No costs.

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

mmi

To

The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 9.

+1cc to Mr.L.Rajendran, Advocate, S.R.No.53491
+1cc to the Government Pleader, S.R.No.54056

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RV(CO)
CA(14/10/2015)