

In the High Court of Judicature at Madras

Dated: 06.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31523 of 2015
& M.P.No.1 of 2015

Mr.P.Rajendran

.... Petitioner

Vs.

1. The Directorate of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
3. The Assistant Elementary Educational Officer,
Thalli Panchayat Union,
Krishnagiri District.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Elementary School Headmaster as on 01.01.2015 by considering the fact that the disciplinary proceedings against the petitioner have been dropped vide the proceeding of the second respondent dated 29.07.2015 and by applying G.O.Ms.No.22, dated 24.02.2014 and accordingly promote the petitioner to the post of Elementary School Headmaster on par with his junior with all monetary and service benefits.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.S.Gunaseakaran, G.A.

O R D E R

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

2. The petitioner was appointed to the post of Secondary Grade Teacher with effect from 15.12.2009 and according to him,

he has rendered sincere and unblemished service to the satisfaction of his superiors. However, the petitioner was placed under suspension vide order dated 17.12.2013 in contemplation of disciplinary proceedings and an Enquiry Officer was appointed, who found that the charges against the petitioner was not proved. Accepting the Enquiry Officer's report, the Disciplinary Authority, vide proceedings dated 29.07.2015, dropped the disciplinary proceedings against the petitioner and also regularized the period of suspension from 17.12.2013 upto 14.04.2014 and the petitioner was also paid with the entire salary for the above period.

3. The grievance now expressed by the petitioner is that on 01.01.2015, panel for promotion to the post of Elementary School Headmaster was prepared and the petitioner's name was not included on account of the pendency of the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and the names of his juniors were included. At time of counselling, the disciplinary proceedings initiated against the petitioner has been dropped and hence, the petitioner claims that his name ought to have been included in the panel for promotion to the post of Elementary School Headmaster. But it has not been done so. Hence, in this regard, he submitted representation dated 07.08.2015 to the second respondent. Since, no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Learned counsel appearing for the petitioner would submit that in the light of G.O.Ms.No.22 Personnel and Administrative Reforms (S) Department dated 24.02.2014 coupled with the decision rendered by the Honourable Supreme Court reported in 1991 Supp (2) SCC 199 (C.O.Arumugam and others v. State of Tamil Nadu and others), the petitioner's name ought to have been included in the panel for promotion to the post of Elementary School Headmaster and since it has not been done so, he is constrained to approach this Court for appropriate orders.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

6. The Honourable Supreme Court in the above cited decision has held that the promotion, pending disciplinary or criminal proceedings, may be deferred till the conclusion of the proceedings and once the concerned person is acquitted or exonerated, the claim for promotion shall be considered.

7. This Court, in the light of the above-said facts and circumstances, directs the second respondent to consider the

representation of the petitioner dated 07.08.2015 and pass orders on merits and in accordance with law after taking note of the decision rendered by the Honourable Supreme Court as well as above-said Government Order, 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.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Directorate of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
3. The Assistant Elementary Educational Officer,
Thalli Panchayat Union,
Krishnagiri District.

+1 cc to Ms.Dakshayani Reddy,Advocate(sr.54238)

+1 cc to GovernmentPleader(sr.54409)

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LRS(co)
cp 19/10/2015

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