

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32132 of 2015

and

M.P.Nos.1 and 2 of 2015

N.Jeyasudha

.. Petitioner

vs

1.The Secretary to Government
Rural Development and Panchayatraj
Department

Fort St. George, Chennai 600 009

2.The Director of Rural Development
and Panchayatraj Department
Panagal Building, Chennai 600 015

3.The District Collector
Karur District, Karur.

.. 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 of the second respondent in Proc.No.67335/2013/EE2-3 dated 28.9.2015, quashing the same insofar as it omits to include the petitioner in the promotion panel to the post of Assistant Engineer (Rural Development) and consequently, directing the respondents to forthwith promote the petitioner to the post of Assistant Engineer (Rural Development) on par with her immediate junior D.Murugeswari, Seniority No.357 with all service and attendant benefits.

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2.The petitioner would state that she is working as a Union Overseer in the services of Panchayatraj Department in Karur District and has completed Diploma in Civil Engineering in the year 1995, and by way of direct recruitment, was appointed as a Junior Draughting Officer on 24.1.2007, through Employment Exchange. According to her, the said post and the Union Overseer are interchangeable posts and

she has now successfully completed B.E. Degree Course in the year 2012, after obtaining necessary permission from the Department.

3.The petitioner would further state that she while working as a Union Overseer, has developed certain medical complications and was advised to take regular treatment and therefore, applied for Casual Leave and thereafter, applied for Medical Leave from 4.3.2013 to 11.4.2013, and in spite of the said fact, there was no official communication regarding the entrustment of additional work of Farm Ponding, and she was transferred to Kulithalai Panchayat Union on 10.4.2013, and joined the said post on 19.4.2013. According to her, she was not in any way responsible in respect of the said work carried out after 4.3.2013, and however, overcoming the said fact, the third respondent has issued a charge memo dated 15.4.2013, under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, alleging that the petitioner did not undertake the work of Farm Ponding after putting her in-charge of the same, on 22.3.2013, and the Disciplinary Proceedings have culminated in the imposition of punishment of stoppage of increment for a period of six months without cumulative effect and challenging the said order of punishment, she also filed a Departmental Appeal before the second respondent and it was disposed of by confirming the order of punishment.

4.The petitioner would further aver that challenging the legality of the said order, she filed W.P.No.12894/2015 and the same is pending, and an interim order was also passed observing that if the petitioner succeeds in the writ petition, she would get promotion by including her name in the earlier panel - 2013-2014, and further that the name of the petitioner has already been included in the present panel for the year 2014-2015.

5.The grievance expressed by the petitioner, is that though the currency of punishment has already been over, her name has not been included in the panel for promotion to the post of Assistant Engineer (Rural Development) for the year 2013-2014 and in this regard, she has also submitted representations dated 28.9.2015 and 29.9.2015, to the respondents 1 and 2 and since no orders have been passed, came forward to file this writ petition.

6.Mr.P.Srinivas, learned Counsel appearing for the petitioner, would submit that the name of the petitioner has not been included in the panel for promotion to the post of Assistant Engineer (Rural Development) for the year 2013-2014 and since the currency of punishment in respect of the petitioner, has already been over, she is entitled to be considered for promotion to the post of Assistant Engineer (Rural Development) and prays for appropriate orders.

7.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also. He would submit that W.P.No.12894/2015 filed by the petitioner challenging the order of punishment as confirmed by the Appellate Authority, is still pending.

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

9. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the respondents 1 and 2 to consider her representations dated 28.9.2015 and 29.9.2015, seeking inclusion of her name in the panel for promotion to the post of Assistant Engineer (Rural Development) for the year 2013-2014, on merits and in accordance with law and pass orders thereon 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, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To:

- 1.The Secretary to Government
Rural Development and Panchayatraj
Department
Fort St. George, Chennai 600 009
- 2.The Director of Rural Development
and Panchayatraj Department
Panagal Building, Chennai 600 015
- 3.The District Collector
Karur District, Karur.

+1 cc to Mr.P.Srinivas, Advocate, sr.55155
+1 cc to Government Pleader, sr.55609

nsv

W.P.No.32132 of 2015

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