

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.18747 of 2016

L.Munirathinam

.. Petitioner

Vs.

1.The Director/Commissioner of Treasuries & Accounts
Panagal Buildings
Saidapet
Chennai-15.

2.The Treasury Officer
Villupuram District Treasury
Villupuram.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to include the petitioner's name in the panel for promotion for the year 2015-2016 and thereby, to direct them to promote the petitioner to the next level as Accountant with all pay benefits.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to include the petitioner's name in the panel for promotion for the year 2015-2016 and thereby, to direct them to promote the petitioner to the next level as Accountant with all pay benefits.

3. The petitioner entered into service as Junior Assistant in the Villupuram District Treasury in the year 1997. The petitioner has been issued with a charge memo under Section 17 (b) of Tamilnadu Civil Services (Discipline & Appeal)Rules. Pursuant to which, an enquiry was conducted. The Enquiry Officer submitted his report holding that the petitioner had not committed any wrong with any motive. The Government, by order, dated 27.07.2012, imposed two punishments withholding of increment for 3 years with cumulative effect and recovery of Rs.68,127/- in 68 instalments. The 1st instalment is at Rs.1,127/- and the remaining instalment is at Rs.1,000/- per month. Aggrieved against the same, the petitioner had preferred W.P.No.24833 of 2012 and the same was admitted and now pending. While so, there is no impediment for the respondents to include the name of the petitioner in the panel for promotion for the year 2015-2016 and thereby, to promote the petitioner to next level as Accountant in the same District Treasury. In this regard, the petitioner has given a representation to the 2nd respondent, on 04.05.2016, and the same was forwarded to the 1st respondent. But, the same was not considered so far and hence, the petitioner has filed the present Writ Petition.

4. Mr.N.Suresh, the learned counsel for the petitioner would submit that, though, the petitioner has filed the Writ Petition in W.P.No.24833 of 2012, against the imposing of the punishment, as there was no stay, he has already completed the period of punishment. Since, the period of punishment is over, the petitioner has made a representation on 04.05.2016, requesting the 2nd respondent to include the name of the petitioner in the panel for promotion for the year 2015-2016 and thereby, to promote the petitioner to next level as Accountant in the same District Treasury. Since, it has not been considered, he seeks for a Mandamus to consider his representation.

5. Mr.K.Rajendra Prasad, the learned Government Advocate, who takes notice on behalf of the respondents, has got no serious objection in directing the 2nd respondent to consider the representation of the petitioner, dated 04.05.2016, and pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner, dated 04.05.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

paa

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

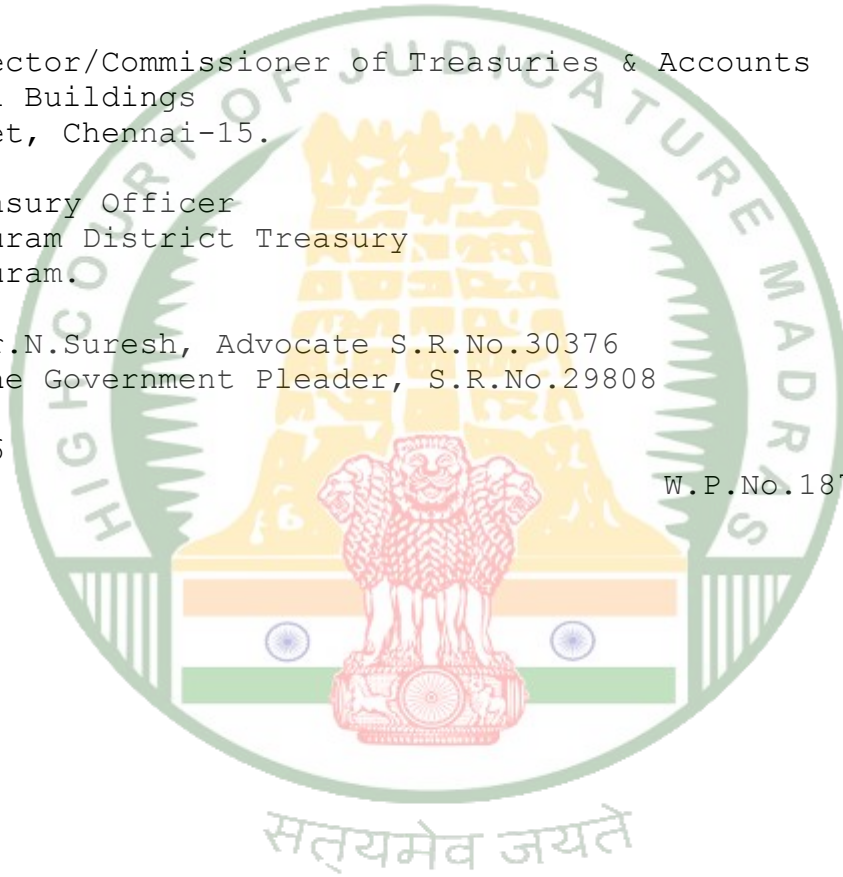
1.The Director/Commissioner of Treasuries & Accounts
Panagal Buildings
Saidapet, Chennai-15.

2.The Treasury Officer
Villupuram District Treasury
Villupuram.

+1cc to Mr.N.Suresh, Advocate S.R.No.30376
+1cc to the Government Pleader, S.R.No.29808

KR/23/6/16

W.P.No.18747 of 2016



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