

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.1889 of 2016
and
W.M.P.No.1668 of 2016

Padmavathy Sembian ... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Adi-Dravidar and Tribal Welfare
Department, Fort St. George,
Chennai 600 009.
- 2.The MMTC Ltd. rep., by
General Manager,
No.6, Essar House, Esplanade,
Chennai 600 108.
- 3.The MMTC Ltd. rep., by
Chairman-cum-Managing Director,
Corporate Office, Scope Complex,
New Delhi. ... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the Letter No.16268/CV-04(2)/2015-3, dated 14.10.2015 of the first respondent and quash the order passed therein and consequently, direct the respondents 2 and 3 to promote the petitioner as Chief Office Manager on par with her batchmates, with effect from 01.04.2014.

For Petitioner .. Mr.Yogesh Kannadasan

For Respondents.. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1
Mr.Vijayan
for M/s.King & Patridge for R2 and R3

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.Assailing the communication of the first respondent dated 14 October 2015 and for a consequential direction to respondents 2 and 3 to promote the petitioner as Chief Office Manager on par with her batchmates with effect from 01 April 2014, the petitioner has come up with this writ petition.

3.It is the case of the petitioner that she belongs to 'Kattunayakan Community' (Scheduled Tribe) and obtained a valid community certificate issued by the Tahsildar, Purasaiwalkam-Perambur Taluk. The petitioner joined as Junior Assistant under the second respondent in the year 1990 and subsequently promoted as Assistant in the year 1994 and thereafter, as Senior Office Manager. Thereafter, based on the allegation of third parties, the community certificate of the petitioner was sent for verification before the District Level Vigilance Committee, Chennai and on 04 March 2000, it has been confirmed that the community certificate of the petitioner is genuine. While so, by letter dated 14 October 2015, the first respondent called upon the petitioner to appear for enquiry on 03 November 2015. Feeling aggrieved, the petitioner is before us.

4.In response to our notice, the first respondent has filed the counter affidavit stating that the case has been referred to the Deputy Superintendent of Police, Vigilance Cell, Chennai Region, for verification and submission of the report. It is further stated that after submission of the report of vigilance cell, enquiry, if necessary, will be conducted and necessary action will be taken within a period of three months.

5.The Court, in other matters, has granted three months time in total. In the facts of the case on hand, the first respondent is directed to expedite the vigilance enquiry and thereafter, take a decision within a period of two months from today. The question of direction to second and third respondents for promotion of the petitioner to the higher post shall be examined on its own merits and in accordance with law, after the order, as directed hereinabove, is passed by the State Level Scrutiny Committee.

6.With the aforesated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Adi-Dravidar and Tribal Welfare
Department, Fort St. George,
Chennai 600 009.
- 2.The General Manager,
The MMTC Ltd.,
No.6 Essar House,
Esplanade, Chennai-108.
- 3.The Chairman-cum- Managing Director,
The MMTC Ltd., Corporate Office,
Scope Complex New Delhi.

+1cc to M/S.King & Patridge, Advocate, S.R.No.17644
+1cc to Mr.Yogesh Kannadasan, Advocate, S.R.No.17999

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kji (CO)
srg (30/03/2016)

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