

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.22384 of 2016

S.Sureshkumar

.. Petitioner

Vs.

1. The Director

Treasury and Accounts Department Directorate
Panagal Building
Saidapet
Chennai-600 015.

2. The Pay and Accounts Officer (East)

Pay and Accounts Office (East)
350, Pantheon Road
Co-optex Building
Egmore
Chennai-600 008.

3. The Treasury Officer

District Treasury
Madurai-625 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 16.03.2016 and pass further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.L.Chandrakumar
for M/s.K.Ramakrishnan

For Respondents: Mr.M.S.Ramesh
Additional Government Pleader

ORDER

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 consider the petitioner's representation, dated 16.03.2016.

3. The petitioner entered into service as Junior Assistant, on 09.08.2000, in the Department of Civil Supplies and Consumer Production Department of Tamil Nadu. He got subsequent promotions. Due to matrimonial dispute, his wife gave a complaint on 01.03.2006, based on which, a criminal case was registered in C.C.No.83 of 2010. Pursuant to which, disciplinary proceedings were initiated against him. Based on the conviction passed by the Trial Court in the criminal case, the petitioner was removed from service on 10.05.2012. On appeal preferred by the petitioner, he was acquitted. After acquittal, the petitioner has been reinstated in service based on the order passed by this Court in W.P.No.939 of 2013, dated 18.12.2013. The grievance of the petitioner is that though, he was promoted as Superintendent with effect from 01.07.2015, he was paid only the salary of Accountant. In this regard, the petitioner has given a representation on 16.03.2016. But, till date, there was no response. Hence, the present Writ Petition has been filed.

4. Mr.L.Chandrakumar, the learned counsel for the petitioner would submit that after acquittal, the petitioner has been reinstated in service based on the order of this Court in W.P.No.939 of 2013, dated 18.12.2013, but, at the same time, he has not been given benefits including the salary on promotion and therefore, he has made a representation on 16.03.2016, but, till date, the same was not considered. He would further add that the petitioner would be satisfied, if the 2nd respondent is directed to consider and dispose of the representation of the petitioner, dated 16.03.2016, in accordance with law.

5. Mr.M.S.Ramesh, the learned Additional Government Pleader, 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 16.03.2016 and to 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 16.03.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. 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. There shall be no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Director
Treasury and Accounts Department Directorate
Panagal Building, Saidapet
Chennai-600 015.
2. The Pay and Accounts Officer (East)
Pay and Accounts Office (East)
350, Pantheon Road, Co-optex Building
Egmore, Chennai-600 008.
3. The Treasury Officer
District Treasury
Madurai-625 020.

+1 cc to M/s.K.K.Ramakrishnan, Advocate, sr.36763

+2 cc to Govt.Pleader, sr.36609 & 36487.

mp(co)
krd 26/7

W.P.No.22384 of 2016

सत्यमेव जयते

WEB COPY