

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2447 of 2016

R.Deivendran

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal
Secretary to Government
Rural Development and Panchayat
Raj Department
Fort St. George, Chennai.
2. The Director
Directorate of Rural Development
and Panchayat Raj Department
Panagal Building
Saidapet,
Chennai - 15.
3. The District Collector
Tirunelveli District,
Tirunelveli

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 herein to refix the pay of the petitioner in the post of Assistant Director, Rural Development as well as in the post of Joint Director, Rural Development in view of the orders of the first respondent in G.O.(P).No. 380, Rural Development and Panchayat (E1) Department dated 27.08.2014 and G.O.(P) No. 231, Rural Development and Panchayat (E1) Department dated 28.04.2015 respectively thereby pay the arrears of monetary benefits within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr. G.Thalaimutharasu

For Respondents : Mr. S.Gunasekaran
Government Advocate

O R D E R

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

2. According to the petitioner, he is now working as Joint Director, Social Audit (South Region) Rural Development and Panchayat Raj Department, Chennai. When he was working as Superintendent/Deputy Block Development Officer, he was issued with a charge memo dated 09.03.2002 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. After enquiry, the petitioner was imposed with punishment of stoppage of increment for three months with cumulative effect on 24.10.2008.

3. The petitioner further stated that the statutory appeal preferred by the petitioner was rejected on 07.05.2012. However, in W.P.(MD).No. 1128 of 2007 the orders of the authorities were set aside and the Writ Petition was allowed on 14.03.2012. In the meanwhile, since the currency of punishment was over, the petitioner was included in the panel for promotion to the post of Assistant Director for the year 2010-2011 on 10.08.2010.

4. The grievance of the petitioner is that though the seniority of the petitioner in the cadre of Assistant Director as well as Joint Director was revised retrospectively on par with his junior, the respondents have not re-fixed the pay. Therefore, he made a representation in this regard on 01.07.2015. The third respondent has forwarded the proposal to the second respondent for appropriate orders on 13.07.2015. However subsequently, no order has been passed. Hence, the petitioner has come forward to file present Writ Petition.

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

6. This Court, considering the limited prayer sought for in the Writ Petition and without going into merits, directs the respondents 1 and 2 to consider the representation of the petitioner dated 01.07.2015 and the proposal forwarded by the third respondent on 13.07.2015 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken by him, to the petitioner herein.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Principal Secretary to Government
The State of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St. George, Chennai.
2. The Director
Directorate of Rural Development
and Panchayat Raj Department
Panagal Building
Saidapet,
Chennai - 15.
3. The District Collector
Tirunelveli District,
Tirunelveli

+1cc to Mr.G.Thalaimutharasu, Advocate, S.R.No.4565

+1cc to the Government Pleader, S.R.No.4493

CTK(CO)
EU(15/02/2016)

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