

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25846 of 2016

R.Tamizh Mannan

.. Petitioner

vs.

1.The Commissioner of Tourism,
O/o. Tamil Nadu Tourist Building,
Walaja Salai,
Chennai-2.

2.The Tourist Officer,
O/o.Tourist Office,
Poombukar-609 105,
Nagapattinam District.

3.The Tourist Officer,
O/o. Tourist Office,
Collectorate Campus,
Tirunelveli,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider and pass orders on the appeal petition of the petitioner dated 02.12.2015 which was submitted against the order of punishment of stoppage of increment for one year imposed by the second respondent dated 25.05.2015.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was selected and appointed as Junior Assistant through the Tamil Nadu Public Service Commission (TNPSC) on 03.06.2009 and posted in the Tourist Office, Poombukar, Nagapattinam District and thereafter, he was transferred to the Tourist Office, Tirunelveli Collectorate Campus. The petitioner has passed the departmental test in the year 2011 and also completed Bhavani Sagar Training in the

year 2012 and he was also eligible to be considered for promotion to the post of Assistant. But the name of the petitioner was not considered, though the names of his juniors were considered and they were given promotion as Assistant in the year 2012 itself. The petitioner, in this regard, has also submitted a representation to the second respondent and requested to promote him to the post of Assistant and the second respondent forwarded the said representation to the first respondent and orders are yet to be passed by the first respondent. The petitioner underwent a surgery and forced to avail medical leave and he has also submitted a Leave Letter to the second respondent, who, on receipt of the same, has issued a communication instructing him to handover all the records which are under his custody. The petitioner submitted a detailed explanation to the said communication of the second respondent stating that no records are available under his custody. However, the second respondent, not satisfied with the same, issued a show cause notice in Memo No.40/Ka/2015 dated 24.04.2015 under Rule 17(a) of the Tamil Nadu Civil Supplies (Discipline and Appeal) Rules, calling upon the petitioner to submit his explanation and the petitioner also submitted his explanation on 30.04.2015. The second respondent, not satisfied with the explanation submitted by the petitioner, imposed a punishment of stoppage of increment for one year without cumulative effect, vide order dated 25.05.2015. The petitioner, challenging the same, has filed an appeal before the first respondent. The grievance expressed by the petitioner is that inspite of receipt and acknowledgment of the appeal petition submitted by the petitioner, no orders have been passed and hence, came forward with this writ petition.

3. Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's Appeal Memorandum dated 02.12.2015 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Toursism,
O/o. Tamil Nadu Tourist Building,
Walaja Salai, Chennai-2.

2.The Tourist Officer,
O/o.Tourist Office,
Poombukar-609 105,
Nagapattinam District.

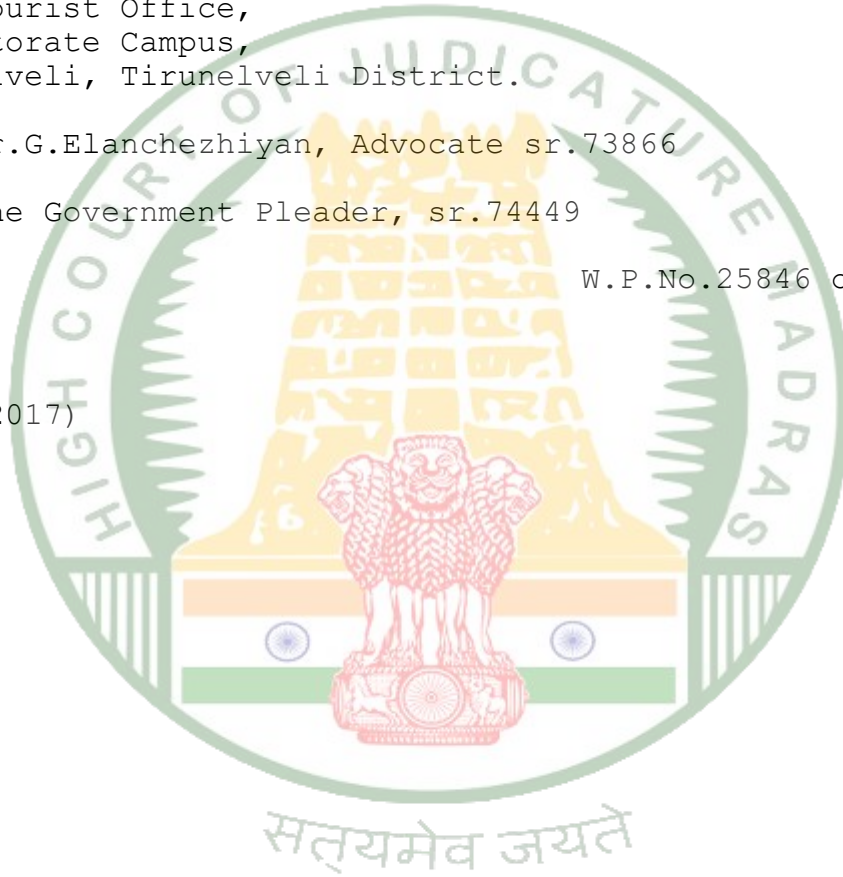
3.The Tourist Officer,
O/o. Tourist Office,
Collectorate Campus,
Tirunelveli, Tirunelveli District.

+1cc to Mr.G.Elanchezhiyan, Advocate sr.73866

+1cc to The Government Pleader, sr.74449

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ss(12/01/2017)



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