

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.27203 of 2012

MP.No.1 of 2012

S.BHASKAR, ACCOUNTS OFFICER
(INCHARGE) MOTOR VEHICLE
MAINTENANCE DEPT.
VELLACHERY CHENNAI-42

Petitioner

Vs

1 THE PRINCIPAL SECRETARY TO
GOVT. FINANCE (TRESURY &
ACCOUNTS I) DEPT.
FORT ST. GEORGE CHENNAI-9

2 THE COMMISSIONER OF
TREASURIES & ACCOUNTS 2ND
FLOOR PANAGAL
BUILDINGS SAIDAPET CHENNAI-15

3 THE DIRECTOR
MOTOR VEHICLE MAINTENANCE DEPT.
VELACHERY CHENNAI-42

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed in GO D No.273 Finance (T & A-1) Department dated 4.9.12 and to quash the same and further to direct the respondents to promote the petitioner as Track II Officer in the TN State Treasury & Accounts service as Chief Accounts Officer in pursuance of his inclusion of his name in the regular panel for the year 2011-12 approved in GO Ms.No.25 Finance & Treasury I Dept. dated 30.1.12 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan
For Respondent : Mr.K.Rajendraprasad, GA

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed in GO D No.273

Finance (T & A-1) Department dated 4.9.12 and to quash the same and to direct the respondents to promote the petitioner as Track II Officer in the Tamil Nadu State Treasury and Accounts service as Chief Accounts Officer in pursuance of his inclusion of his name in the regular panel for the year 2011-12 approved in GO Ms.No.25 Finance & Treasury I Department dated 30.1.12 and grant him all consequential service and monetary benefits.

2. The short facts of the case, in a nutshell, are that originally orders were issued approving the regular panel for the post of Class II Officer in the Tamil Nadu State Treasuries and Accounts Service for the year 2011-2012 including the Petitioner, who was working as Accounts Officer. For certain lapses on the part of the Petitioner, disciplinary proceedings were initiated against the Petitioner and others, by framing charges under Section Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. By the impugned order, due to the pendency of the charges, the name of the Petitioner was decided to be deleted from the panel for the Post of Class II Officer for the year 2011-2012. Hence, the Petitioner is before this court.

4. After some elaborate arguments, the learned counsel for the Petitioner has submitted that in the disciplinary proceedings, enquiry was completed and he was awarded a punishment of reduction in pension by Rs.200 p.m. and in the mean while, the Petitioner also retired and as against said punishment, he has also filed an appeal and the same is pending. However, the learned counsel for the Petitioner would only contend that if he ultimately succeeds in the appeal, his name may be included in the panel and he may be given consequential service and monetary benefits.

5. On the other hand, the learned Government Advocate for the Respondents, by filing a counter affidavit, has brought to the notice of this court that the prayer in this Writ Petition does not stand to survive in view of the subsequent development that in the disciplinary proceedings initiated against the Petitioner, after conducting enquiry, punishment has been imposed on the Petitioner and that the Petitioner also retired from the service.

6. This court heard the learned counsel on either side and also considered their submissions and perused the materials placed on record.

7. As rightly pointed out by the learned Government Advocate for the Respondent, in view of the subsequent developments that the Petitioner has been awarded a punishment and that in the meanwhile, he also retired from service and the appeal filed by the Petitioner is pending, no order could be passed in this Writ Petition. However, if the Petitioner succeeds in the appeal, the same shall be given effect to,

which is automatic. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1 THE PRINCIPAL SECRETARY TO
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- 3 THE DIRECTOR
MOTOR VEHICLE MAINTENANCE DEPT.
VELACHERY CHENNAI-42

+1cc to M/s. M.Muthappan, Advocate, S.R.No.33479
+1cc to the Government Pleader, S.R.No.33296

(CO)
EU(/07/2016)

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