

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.30285 of 2016 and
WMPNo.26277 of 2016

P.Gunasekaran

...Petitioner

Vs

The Commissioner / Director of Treasuries
and Accounts,
Chennai - 600 015

...Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to include the name of the petitioner in the ensuing panel for promotion for the year 2016-17 as Assistant Treasury Officer / Senior Superintendent in Tamilnadu Treasuries and Accounts Subordinate Service in the appropriate place therein and to promote him as such with retrospective effect from the date of promotion of immediate junior with consequential benefits.

For Petitioner :Mr.M.Ravi

For Respondent :Ms.M.E.Raniselvam
Additional Government Pleader

O R D E R

With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. According to the petitioner, he suffered with one punishment, i.e., stoppage of increment for 6 months by an order dated 25.03.2015. The petitioner has also submitted the dates and events in the affidavit filed in support of this petition, to show that he is eligible for empanelment and promotion as Assistant Treasury Officer / Senior Superintendent for the year 2016-17 and the same is extracted hereunder :-

Date of alleged occurrence	18.07.2009 to *04.04.2010
Date of Order of Penalty	25.03.2015 served on 07.04.2015
Date of giving effect to penalty by cutting the increment for a period of 6 months	01.10.2015
Crucial date of drawl of panel for the year 2016-17	01.04.2016
Relevant provision in statutory Rules	Rule 4(a) Part-A II 1H of Tamilnadu State and Subordinate Service Rules

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent and perused the materials available on record.

4. On a perusal of the materials available on record, it is clearly seen that from the date of occurrence, five years is over, from the date of penalty, one year is over, from the date of increment, namely, 01.10.2015 also, six months is over. When the crucial date is 01.04.2016, the petitioner is eligible for promotion for the year 2016-2017. Hence, the petitioner has made a representation on 25.07.2016 and since the same has not been considered, the petitioner seeks to consider him for promotion.

5. In view of the same, the respondent is directed to consider the representation of the petitioner dated 25.07.2016 in accordance with the Tamilnadu State and Subordinate Service Rules within a period of thirty days from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is closed. No costs. Accordingly, this Writ Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

Dated:16/09/2016

*Corrected as per order dated 18.10.2016 in W.P.No.30285/16 & WMP No.26277 of 2016

Sd/-

Assistant Registrar(CS-IV)

Dated:01/11/2016

//True Copy//

Sub Assistant Registrar

To

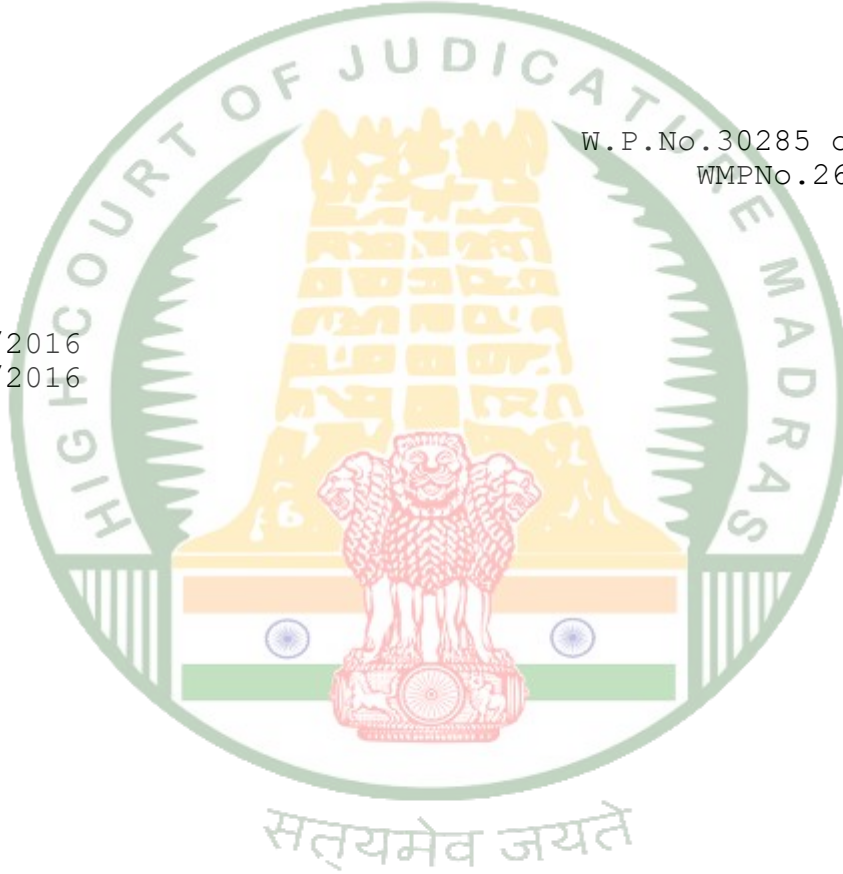
The Commissioner / Director
of Treasuries
and Accounts,
Chennai - 600 015.

To be substituted to the order
already despatched on
20.09.2016

+lcc to M/S.M.Ravi, Advocate sr.49641
+lcc to the Government Pleader Sr.49802

vd[co]
srg 16/09/2016
srg 02/11/2016

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WMPNo.26277 of 2016



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