

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19072 of 2013

V.Jeevarekha

...Petitioner

Versus

1. The Principal Secretary to the Government,
Finance(Local Fund) Department,
Fort St.George, Chennai-600 009.
 2. The Director of Local Fund Audit Department,
Kuralagam,
Chennai-600 108.
- ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the first respondent to consider the Petitioner's representation dated 13.03.2013 in continuation of his appeal dated 15.06.2012 against the punishment of reduction to the post of Deputy Inspector and praying for promotion to the post of Assistant Director of Local Fund Audit.

For Petitioner : Mr.P.Rajendran
For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

सत्यमेव जयते
O R D E R

The Writ Petition has been filed seeking for a Writ of Mandamus directing the first respondent to consider the Petitioner's representation dated 13.03.2013 in continuation of his appeal dated 15.06.2012 against the punishment of reduction to the post of Deputy Inspector and praying for promotion to the post of Assistant Director of Local Fund Audit.

2. Heard Mr.P.Rajendran, learned counsel on behalf of the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader on behalf of the respondents.

3. The petitioner had given a representation to the first respondent to set aside the orders of the second respondent and include his name in the regular panel of Assistant Director of Local Fund Audit for the year 2012-2013 to enable him to occupy the post for a short period before the period of his retirement. Since the representation was not considered by the first respondent, the petitioner has come forward to file this Writ Petition seeking for a direction to the first respondent to consider his representation dated 13.03.2013 and pass orders on the same.

4. The grievance of the petitioner is that a disciplinary proceedings was initiated against him on 23.03.2011, whereby after enquiry, a punishment of reduction to the lower post of Deputy Inspector was awarded on 08.06.2012. As against the said punishment, the petitioner had filed an application before the first respondent. When the appeal was pending, this Court by an Order dated 15.06.2012 made in W.P.No.15207 of 2012 had directed the first respondent to consider the appeal as well as stay petition within a period of three months. Subsequently, the first respondent had sent a letter dated 06.02.2013, informing the petitioner that, inclusion of the petitioner's name in the panel was passed over since, a punishment of reversion to the lower post of Deputy Inspector till his retirement had been imposed. The grievance of the petitioner is that since, the first respondent had not disposed of his appeal within three months as directed by this Court, there was a possibility of the first respondent to exonerate of the charges. In this regard, the representation was made by the petitioner on 13.03.2013.

5. On a perusal of the representation made, the petitioner's specific request to the first respondent was to set aside the orders of the second respondent and thereby include his name in the regular panel of Assistant Director of Local Fund Audit for the year 2012-2013 to enable him to physically act in the post till his date of retirement. Pending the writ petition, the petitioner had retired on 13.11.2013. As such, no useful purpose would be attained by directing the first respondent to consider his representation, which was made to enable him to occupy the promotional post till his date of retirement.

6. In view of the same, the petitioner's request for a direction to the first respondent to consider his representation dated 13.03.2013 cannot be granted. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to the Government,
Finance(Local Fund) Department,
Fort St.George, Chennai-600 009.
2. The Director of Local Fund Audit Department,
Kuralagam,
Chennai-600 108.

GR(CO)
RS(09/02/2017)

W.P.No.19072 of 2013

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