

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE K. KALYANASUNDARAM

W.P.No.3286 of 2016  
and  
WMP.No.2698 of 2016

S.Vasudevan

... Petitioner

Vs

The Commissioner,  
Department of Employment & Training,  
Guindy, Chennai-32.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the objections/ representation submitted by the petitioner dated 14.01.2016 inclusion of his name in the panel for promotion to the post of Training Officer notwithstanding the pendency of criminal case in Cr.No.2624 of 2005, in the light of the final orders passed in the departmental proceedings in Se.Mu.Order.No.74129/Aapa2/2005-3 dated 30.12.2011 and consequently promote the petitioner as Training Officer on par with juniors with all consequential benefits.

For Petitioner : Mr.G.Sankaran

For Respondent : Mrs.M.E.Rani Selvam,  
Additional Government Pleader

ORDER

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

2. This writ petition is filed for issuance of writ of mandamus directing the respondent to consider the petitioner's representation dated 14.01.2016.

3. Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4. According to the petitioner, he was initially appointed as Workshop Assistant in the Department of Employment and Training on 27.02.1984 and thereafter, he was promoted as Junior Training Officer in July 1990 and further promoted as Assistant Training Officer in the year 1999 based on seniority and eligibility. His next avenue of promotion is Training Officer. He is eligible to be included in the panel prepared in the year 2014. However, his name was not included in the panel, due to pendency of the criminal case.

5. The petitioner would state that one Pushpanathan who was working as Junior Assistant in Salem Government ITI committed suicide on 23.12.2005. Though the case was originally registered under Section 174 of Cr.P.C, subsequently, it was altered under Section 306 IPC and the petitioner was also implicated as one of the accused. Based on the criminal case, the petitioner was suspended and thereafter, reinstated into service.

6. The petitioner would state that the respondent issued a charge memo vide Na.Ka.No.74129/AaPa2/2005-2 dated 17.11.2006 and after enquiry, based on the report of the Enquiry Officer, the respondent dropped the charges against the petitioner vide order dated 30.12.2011. The grievance of the petitioner is that though the petitioner was exonerated from the charges in the departmental proceedings, pending criminal case, his case was not considered for promotion. Aggrieved over the action, he gave representation to the respondent on 14.01.2016. Since the said representation was not considered, the present writ petition has been filed.

7. Considering the facts and circumstances of the case, this Court directs the petitioner to give a fresh representation through proper channel, enclosing a copy of this order within a period of two weeks to the respondent and the respondent shall pass appropriate orders in accordance with law, within a period of six weeks therefrom.

The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

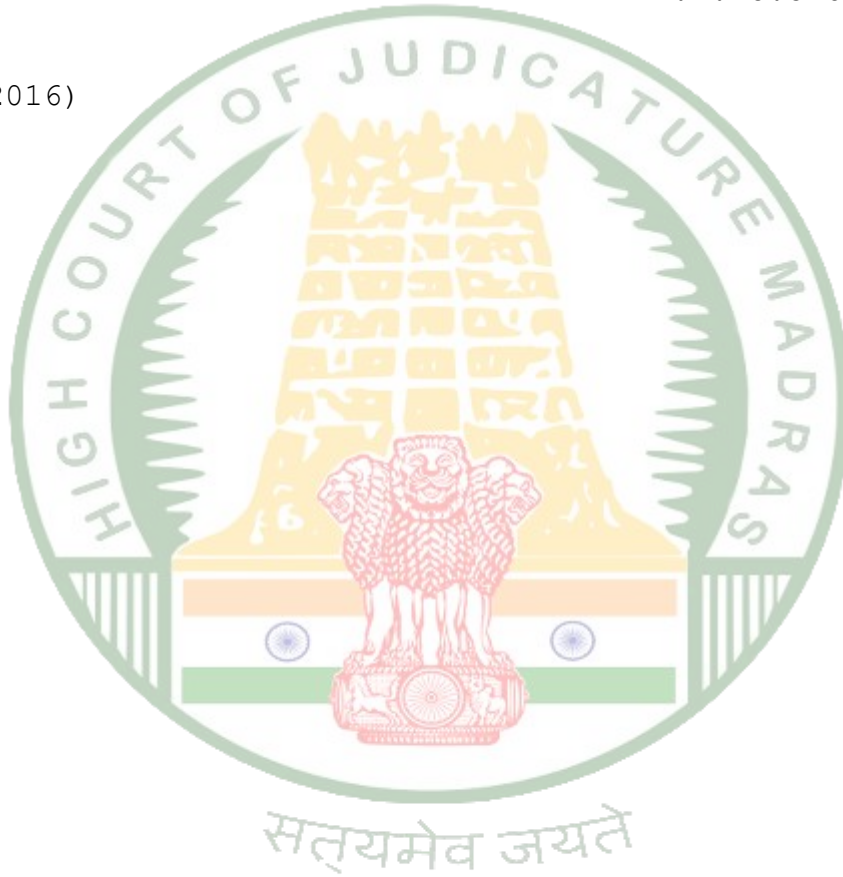
To

The Commissioner,  
Department of Employment & Training,  
Guindy, Chennai-32.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.5827  
+1cc to the Government Pleader, S.R.No.6094

W.P.No.3286 of 2016

SV(CO)  
CA(09/03/2016)



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