

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 34420 of 2016

P.Sivagurunathan

...Petitioner

-Vs-

1. The State of Tamilnadu,
represented by its Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St.George,
Chennai - 600 009.
 2. The Director/ Commissioner,
Fisheries department,
Teynampet,
D.M.S.Complex,
Chennai - 600 006.
- ...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to promote the petitioner notionally as Deputy director of Fisheries with effect from the year 2001-2002, further promote as Joint Director of Fisheries, with effect from the year 2003-2004 with all the attendant monetary benefits arising thereon consequent on the promotion of the petitioner, such as arrears of pay and allowances, refixation of pay, pension etc., within the time to be stipulated by this Court.

For Petitioner	:	Mr.S.Conscious Ilango
For Respondents	:	Mr.R.A.S.Senthilvel, Addl.G.P.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2. The petitioner, in the affidavit filed in support of the writ petition would submit that he joined the service of the Fisheries Department on 20.08.1974 as Sub-Inspector of Fisheries and promoted as Assistant Director on 30.06.1995 and he had put in 35 years of hard, sincere and blemishless service and also retired from service in the said capacity on 31.05.2000.

3. The grievance expressed by the petitioner is that while he was serving as Assistant Director of Fisheries Department at Tuticorin District, on account of political victimization and extraneous reasons, he was issued with six charge memos and all of them ended in exoneration. On account of the pendency of the disciplinary proceedings, his name was not included for promotion as Deputy Director of Fisheries in the year 2001-2002 and for further promotion as Joint Director of Fisheries in the year 2003-2004.

4. Learned counsel for the petitioner has drawn the attention of this Court to G.O.(D).No.94, passed by the first respondent dated 29.02.2016 and would submit that the first respondent has set aside the order of punishment of stoppage of increment for a period of one year with cumulative effect and in the light of the said order, he should be conferred with all consequential and notional benefits. In this regard, he has submitted representations dated 05.04.2016 and 02.05.2016 to the first respondent. Since those representations having been not disposed of, the petitioner was constrained to approach this Court by filing the writ petition.

5. This Court, heard the learned Additional Government Pleader appearing for the respondents.

6. Though the petitioner prays for a larger relief, in the light of the facts and circumstances and without going into the merits of the case, directs the first respondent to consider and dispose of the petitioner's representation dated 05.04.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St.George,
Chennai - 600 009.

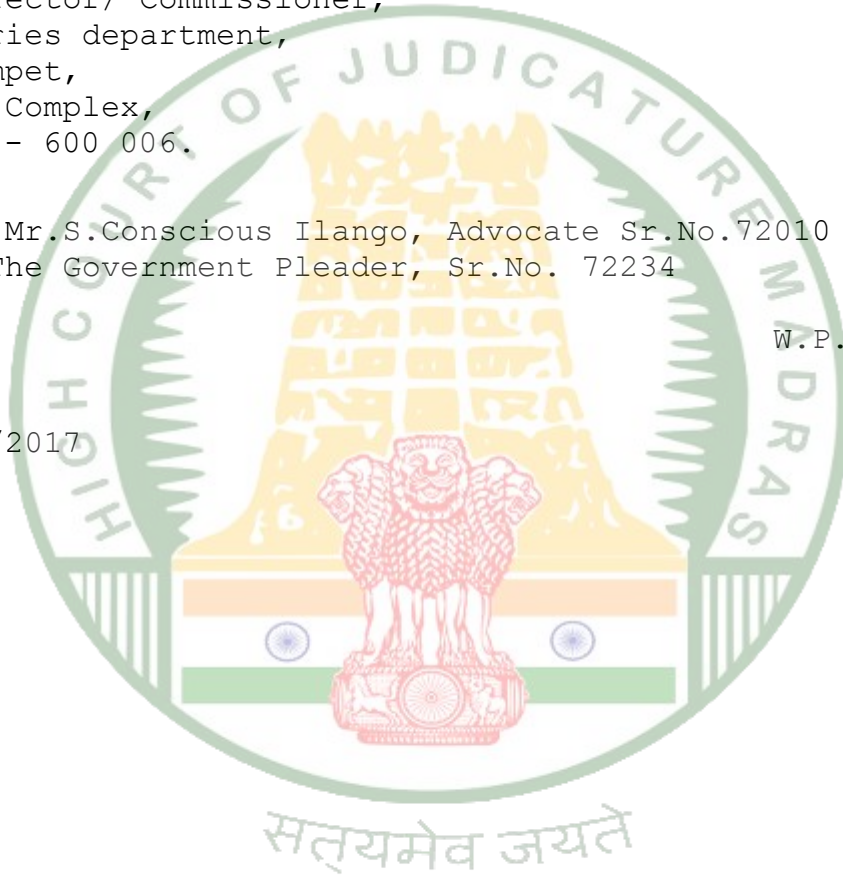
2. The Director/ Commissioner,
Fisheries department,
Teynampet,
D.M.S.Complex,
Chennai - 600 006.

+ 1 cc to Mr.S.Conscious Ilango, Advocate Sr.No.72010
+1 cc to The Government Pleader, Sr.No. 72234

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CO/KK

RRI 04/01/2017



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