

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37893 of 2016

S.Annamalai Premkumar

.. Petitioner

Vs.

1.The Principal Secretary to
Government,
Rural Development and Panchayat
Raj Department,
Fort St. George, Chennai-9.

2.The Director of Rural Development
and Panchayat Raj Department,
Panagal Buildings, Chennai -15.

.. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pass order on the petitioner's representation dated 7.6.2016 in a time bound manner.

For Petitioner : Mr.C.Sivakumar

For Respondents : Mr.R.Venkatesh,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pass orders on his representation dated 7.6.2016 in a time bound manner.

3. It is the case of the petitioner that now he is working as Joint Director, Rural Development / State Project Manager (Social Mobilization and Institution Building), in the office of the Chief Executive Officer, Tamil Nadu State Rural Livelihood Mission / Managing Director, Tamil Nadu Corporation

for the Development of women Limited, Annai theerasa Complex, Valluvarkottam High Road, Nungambakkam, Chennai-34. While he was serving as Joint Director (Rural Development) / Project Director, District Rural Development Agency, Perambalur, during the year 2010-2011, he was issued with a charge memo on 13.10.2010 under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The department had appointed an enquiry officer to enquire into the matter. While the enquiry was going on, the first respondent issued a letter vide No.22486/E1/2012-10 dated 4.10.2013 stating that the petitioner's name was deferred for the promotion panel that was drawn up for the year 2012-13 for the post of Additional Director, Rural Development, due to the charges pending against him. Consequently, his junior was promoted to the said post. Though the enquiry was completed, the enquiry report was not submitted. Hence, the petitioner approached this Court by filing a writ petition in W.P.No.29654 of 2015 seeking a direction to the respondents to conclude the enquiry and this Court passed an order in favour of the petitioner. Thereafter, the first respondent dropped all the charges framed against the petitioner, vide G.O (D) No.70 dated 19.2.2016. But, the respondents have failed to promote him forthwith. The second respondent has to prepare the promotion panel with his recommendation and has to submit the same to the first respondent, who in turn, has to issue an order based on the said recommendation. In this regard, the petitioner sent a representation dated 7.6.2016 to the respondents. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that since the charges framed against the petitioner were dropped by the first respondent, according to the Tamil Nadu State and Subordinate Rule 4, it is the bounden duty of the respondents to promote him by taking suo motu action and post him to the post of Additional Director of Rural Development. Since the same was not done, the petitioner has filed the present writ petition.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 7.6.2016 seeking promotion to the post of Additional Director of Rural Development and pass appropriate orders, on merits and in

accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Principal Secretary to
Government,
Rural Development and Panchayat
Raj Department,
Fort St. George, Chennai-9.

2.The Director of Rural Development
and Panchayat Raj Department,
Panagal Buildings, Chennai -15.

+3ccs to Ms. C. Sivakumar, Advocate, S.R.No.61947
+1cc to the Government Pleader, S.R.No.62486

SM(CO)
EU(07/11/2016)

W.P.No.37893 of 2016

सत्यमेव जयते

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