

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.38955 of 2016
and W.M.P.No.33362 of 2016

D.Venkatesan

.. Petitioner

vs.

1.The Government of Tamil Nadu,
rep by Principal Secretary to Government,
Finance (T & A) Department,
Secretariat, Chennai - 600 009.

2.The Principal Commissioner/
Director of Treasuries and Accounts,
Panagal Buildings, Chennai - 600 015.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to promote the petitioner as Accounts Officer, pursuant to the inclusion of name in the panel for the year 2015-2016, approved in G.O.Ms.No.56, Finance (T & A-I) Department dated 20.02.2016 issued by the first respondent with retrospective effect from 05.08.2016 and to grant consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

WEB COPY
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. It is the claim of the petitioner that he is fully qualified and eligible for promotion as Accounts Officer and his name was also included in the Promotion Panel for the year 2015-2016, approved by the Government in G.O.Ms.No.56, Finance (Treasuries and Accounts - I) Department, dated 20.02.2016 at

Sl.No.44. However, his juniors from Sl.No.45 onwards in the said panel have been given promotion, vide proceedings of the Director of Treasuries and Accounts, Chennai dated 01.08.2015. The petitioner came to know that on account of the disciplinary proceedings being contemplated with reference to alleged lapses in the sanction of Family Pension to a Police Constable's wife in the year 2010, his promotion has been deferred. According to him, on the crucial date itself he has not faced any disciplinary proceedings and as such, there cannot be any impediment on the part of the respondents to give promotion to the petitioner as Accounts Officer. In this regard, the petitioner has given representations dated 05.09.2016 and 14.10.2016 to the second respondent through proper channel and since no orders have been passed, came forward with this Writ Petition.

3. Mr.M.Ravi, learned counsel appearing for the petitioner would submit that matter in issue is squarely covered by an order dated 16.07.2010 made in W.P.No.15031 of 2010 [R.S.Rajan Vs. The Secretary to Government, Commercial Taxes and Registration Department, Chennai and another] wherein it has been held that till the charge memo is prepared, the concerned official cannot be said to be suffering from any disqualification for inclusion of his name in the Panel and in view of the settled position of law, there cannot be any impediment on the part of the respondents to consider the claim of the petitioner for promotion to the post of Accounts Officer and prays for appropriate orders.

4. Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that representation submitted by the petitioner will be given disposal in accordance with law.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the petitioner to submit one more representation along with a copy of this order as well as the order dated 16.07.2010 made in W.P.No.15031 of 2010 (cited above) within a period of two weeks from the date of receipt of a copy of this order through proper channel and on receipt of the same, the second respondent is directed to process the same and forward a proposal to the first respondent within a period of four weeks thereafter and the first respondent, on receipt of the proposal from the second respondent, shall consider the same and pass orders on merits

and in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

jvm

To

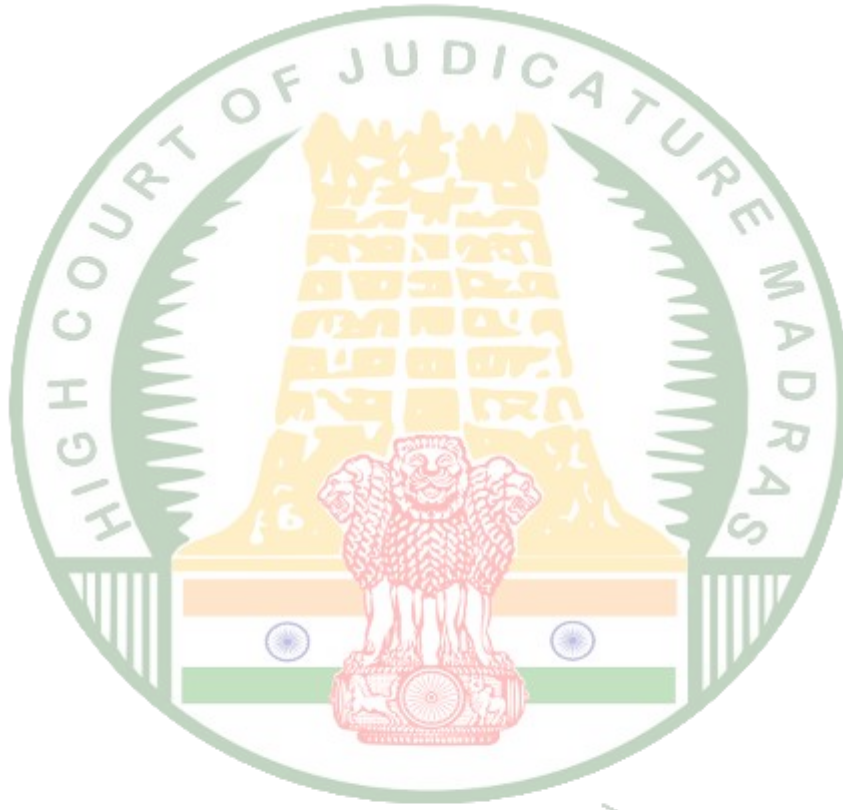
1. The Principal Secretary to Government,
Government of Tamil Nadu,
Finance (T & A) Department,
Secretariat, Chennai - 600 009.
 2. The Principal Commissioner/
Director of Treasuries and Accounts,
Panagal Buildings, Chennai - 600 015.
- +1 CC to M/S M.Ravi, Advocate vide SR 73080
- +1 CC to The Govt Pleader vide SR 73311

W.P.No.38955 of 2016
and W.M.P.No.33362 of 2016

sp/9/1

सत्यमेव जयते

WEB COPY



सत्यमेव जयते

WEB COPY