

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM :

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

W.P.No.730 of 2016

N.Jagatheesan

...Petitioner

Vs

1.The State of Tamil Nadu rep.by the Secretary,
Differently Abled Welfare Department,
Fort St.George, Chennai-9.

2.The State Commissioner for the Differently Abled,
Chennai-600 006.

3.The Project Officer,
Government Institute for Mentally Retarded,
Tambaram Sanatorium, Chennai-47.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for promotion as Psychologist during 2008 with all consequential notional benefits including revised pension and pensionary benefits from the said date on the basis of the representation dated 26.10.2015 and to extend all benefits thereto.

For Petitioner	: Mr.L.Chandrakumar
For Respondents	: Mr.V.Jayaprakash Narayanan Special Government Pleader.

ORDER

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

2. The case of the petitioner is that he joined the service as Warden in the Government Institute for Mentally Retarded. During 2005, he was transferred as Senior Teacher-Special Educator and when the Promotional post of Psychologist arose in February 2008, he made a representation on 16.02.2008. During 2013, a charge memo was issued under Rule 17(a), ultimately, the said charge memo was dropped. It is the grievance of the petitioner that he was promoted as Psychologist w.e.f. 24.06.2014, just prior to his superannuation on 30.06.2014, thereby denied him of his legitimate dues and that of legal entitlement for nearly a period of six years. Therefore, he made a representation dated 26.10.2015 to the respondents, which was not considered. Hence the present writ petition.

3. Mr.L.Chandrakumar, learned counsel appearing for the petitioner submitted that even though the petitioner made representation on 16.02.2008 seeking promotion to the post of Psychologist, he was given promotion only on 24.06.2014. Hence, the petitioner claims notional benefits including revised pension and pensionary benefits from 2008 on the basis of the representation dated 26.10.2015.

4. Heard the submissions of Mr.L.Chandrakumar, learned Counsel appearing for the petitioner and Mr.N.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 26.10.2015 and pass orders on merits and in accordance with law, 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.

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

08.01.2016.

Index : Yes/No
Internet : Yes/No
kkd

K.KALYANASUNDARAM,J.,

kkd

To

- 1.The Secretary,
Differently Abled Welfare Department,
Fort St.George, Chennai-9.
- 2.The State Commissioner for the Differently Abled,
Chennai-600 006.
- 3.The Project Officer,
Government Institute for Mentally Retarded,
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