

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.9082 of 2016

and

W.M.P. Nos.8104 and 8105 of 2016

C.Lawrence

.. Petitioner

-Vs-

1.The Government of Tamil Nadu,  
represented by its Secretary,  
Municipal Administration &  
Water Supply Department,  
Fort St. George, Chennai-600 009.

2.The Principal Secretary and Commissioner,  
Corporation of Chennai,  
Park Town, Chennai-600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the charge memorandum bearing G.D.C.No.E1/4871/2008 dated 28.07.2008 on the file of the second respondent, quash the same and consequently direct the respondents to confer promotion to the petitioner to the post of Assistant Executive Engineer with all consequential service and monetary benefits.

For Petitioner : Mr.T.Chellapandian

For Respondents : Mr.A.Kumar,  
Special Government Pleader for R1  
Mr.G.Anantharangan for R2

ORDER

The petitioner Mr.C.Lawrence, who was issued with the charge memo in the year 2008, having received an enquiry report holding him not guilty in respect of all the charges, has come to this Court, seeking a direction to the respondents to confer promotion to him to the post of Assistant Executive Engineer with all consequential service and monetary benefits.

2.Learned counsel for the petitioner would submit that since the Commissioner, Corporation of Chennai, the second respondent herein, on the basis of the enquiry report dated 03.08.2014, holding the petitioner not guilty, has recommended the case of the petitioner to the first respondent to pass necessary G.O. and to drop the proceedings, the first respondent has not considered the case of the petitioner.

3.A perusal of the report of the enquiry officer shows that all the charges levelled against the petitioner were not proved. Therefore, the Commissioner, Corporation of Chennai, in his proceedings dated 06.11.2015, has accepted the report of the enquiry officer and forwarded the same to the first respondent. Since there is no response and in the meanwhile, the petitioner lost the avenues of promotion, he has come to this Court.

4.Considering the fact that charges levelled against the petitioner are disproved in favour of the petitioner, the first respondent is directed to pass appropriate orders on the basis of the recommendation made by the second respondent, in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected W.M.Ps are also dismissed.

vga

Sd/-  
Asst.Registrar

/true copy/  
Sub Asst. Registrar

To

1. The Secretary,  
The Government of Tamil Nadu,  
Municipal Administration &  
Water Supply Department,  
Fort St. George, Chennai-600 009.

2.The Principal Secretary and Commissioner,  
Corporation of Chennai,  
Park Town, Chennai-600 003.

+ 1 cc to M/s.S.Mani, Advocate Sr 15678  
+ 1 cc to The Govt.Pleader, Sr 16325

KR/31/3/16

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