



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

Coram

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 13701 of 2016

Mr. Sundarajan

: Petitioner

vs.

1. The District Collector,
Madurai District, Madurai.

2. The Block Development Officer,
Usilampatti Panchayat Union,
Madurai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondent to consider the representation of the petitioner dated 04.07.2014 thereby granting promotion to the petitioner on par with his juniors in service as Block Development Officer with concomitant pensionary benefits in accordance with the panel already drawn by the District Collector, Madurai in Na.Ka.No.14005/2012/Oo.Va.4 dated 04.04.2012 with in a time frame as may be fixed by this Hon'ble Court.

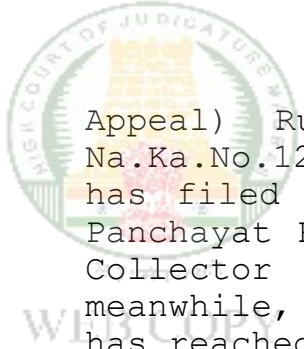
For Petitioner : M/s. W. Pamelin

For Respondents : Mr. M. Rajarajan
Government Advocate

O R D E R

This Writ Petition has been filed by Mr. Sundarajan under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the respondents to consider his representation dated 04.07.2014, and to grant promotion to him on par with his juniors in service as Block Development Officer with concomitant pensionary benefits in accordance with the panel already drawn by the District Collector, Madurai in Na.Ka.No.14005/2012/Oo.Va.4 dated 04.04.2012 with in a time frame.

2. Mr. Sundarajan, while serving as Assistant Block Development Officer, Vadipatti Panchayat Union, Madurai District, Madurai District, was placed under suspension by District Collector, Madurai in his proceedings in Na.Ka.No.12234/2012/K5/ dated 04.04.2012 on several charges. Subsequently, he was also issued with a charge memo under Rule 17(b) of the Tamilnadu Civil Services (Discipline and



Appeal) Rules, which ended in the punishment of CENSURE in Na.Ka.No.12234/2012 Oo.Va.5 dated 11.03.2013. As against that, he has filed appeal before the Commissioner of Rural Development and Panchayat Raj, who has also upheld the proceedings of the District Collector in Na.Ka.No.83587/2013/TPC 2-1 dated 22.04.2014. In the meanwhile, he was permitted to retire by the first respondent as he has reached the age of superannuation on 27.03.2013.

3.Now, the grievance of the petitioner is that the actual date of consideration for promotion as Block Development Officer being 04.04.2012, he was issued with the charge memo on 04.04.2012. Therefore, he was entitled to get included in the panel dated 04.04.2012, because as on 04.04.2012, there was no pending charge memo against him. This has been completely overlooked by the authorities concerned.

4.But, this Court does not find any merit in the contention of the petitioner and the reason is that the petitioner was issued with the charge memo dated 04.04.2012, which also finally ended in imposing punishment of CENSURE by the District Collector, Madurai, by his proceedings, dated 11.03.2013, which was also confirmed by the Commissioner of Rural Development and Panchayat Raj vide proceedings dated 22.04.2014. In the meanwhile, he was also permitted to retire. Till the petitioner was allowed to retire from service with effect from 27.03.2013, nowhere the petitioner has given any representation. Only after the dismissal of the appeal by the Commissioner of Rural Development and Panchayat Raj in his proceedings dated 22.04.2014, the petitioner has given a representation dated 04.07.2014.

5.Therefore, this Court is not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer,
Usilampatti Panchayat Union,
Madurai District.

+ 1 CC TO MR.W.PAMELIN, ADVOCATE IN SR No. 41823