



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.11.2016

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C O R A M

THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.16116 of 2016
and
W.M.P (MD) No.11786 & 11787 of 2016

S.Elangovan

.. Petitioner

Vs.

1.The Joint Transport Commissioner (A),
Chepauk,
Chennai - 600 005.

2.The Deputy Transport Commissioner,
Madurai Zone,
Madurai.

3.The Regional Transport Officer,
Madurai South,
Madurai.

4.The Assistant Accounts Officer,
O/o. Assistant Accounts Officer,
(at) Regional Transport Office(upstairs),
Madurai North, Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the impugned Charge Memo issued by him in his Proceedings in Memo No.3273/A1/2011 dated 04.10.2012 (forwarded on 20.02.2013) and quash the same as illegal and arbitrary and consequently direct the 1st and 2nd respondents to promote the Petitioner as Superintendent for the year 2016-17 within the time limit that may be stipulated by this Honble Court.

For Petitioner

... Mr.G.Thalaimutharasu

For Respondents

... Mr.M.Murugan

Government Advocate

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
The charge memo dated 04.10.2012 is under challenge in this writ petition. The writ petition has been filed seeking to quash the charge memo and a consequential direction to the respondents 1



and 2 to permit the petitioner as Superintendent for the year 2016 - 2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

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3. The case of the petitioner is that the petitioner is working as Assistant in the office of the respondents and he was issued with charge memo under Rule 17(b) of the Tamil Nadu Civil Serviced (Discipline and Appeal) Rules, on 06.03.2010. Thereafter, the petitioner has submitted his explanation and enquiry has been completed in the year 2015, but so far final orders have not been filed. As the disciplinary proceedings is pending against the petitioner, he was not considered for promotion. Hence, the present writ petition.

4. When the matter came up for hearing, the learned counsel for the respondents filed a counter affidavit stating that the enquiry itself is over and enquiry report has been forwarded to the Government on 25.06.2014.

5. It is brought to the notice of this Court that promotion panel is made ready for consideration and hence, the claim of the petitioner for promotion also is likely to be considered.

6. Under such circumstances, the first respondent is directed to pass final orders on the enquiry report submitted, before the finalisation of the promotion panel.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Joint Transport Commissioner (A), Chepauk,
Chennai - 600 005.

2. The Deputy Transport Commissioner, Madurai Zone, Madurai.

3. The Regional Transport Officer, Madurai South,
Madurai.

+1cc to Mr. G. Thalaivaimutharasu, SR No. 70206.

rj2

RL-ss3/SAR.1/05-01-2017/2P/5C Writ Petition (MD) No. 16116 of 2016