



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.1850 of 2016

WEB COPY

R.Vedavairu

... Petitioner

Vs.

1.The Secretary to Government,
Finance (Treasuries & Accounts II) Department,
Secretariat,
Chennai 600 009.

2.The Special Commissioner of Treasuries and
Accounts, Treasuries and Accounts Department,
Panagal Buildings,
Saidapet,
Chennai 600 015.

3.The Treasury Officer,
District Treasury,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent i.e. the Secretary to Government Finance Department Chennai to consider the petitioners representation dt.19.12.2015 and pass appropriate orders regarding his notional promotion on par with his junior Tmt.Thilagavathi (serial No.194) by granting exemption for not passing the Departmental Test as per Govt.Letter No.9140/Service/M/89 dt.20.11.89 and refixation of pension within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

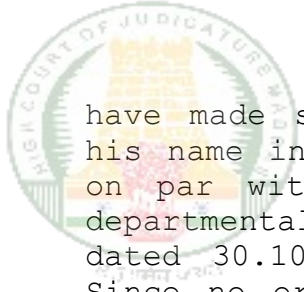
For Respondents : Mrs.S.Bharathy,
Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus to direct the first respondent to consider the representation of the petitioner, dated 19.12.2015 and pass appropriate orders regarding his notional promotion on par with his junior Tmt.Thilagavathi (serial No.194) by granting exemption for not passing the departmental test as per Govt.Letter No.9140/Service/M/89 dated 20.11.89 and refix his pension.

2.Heard the learned counsel appearing for the petitioner. Mrs.S.Bharathy, learned Government Advocate, takes notice for the respondents.

3.The petitioner who was serving as selection grade Accountant in the District Treasury, Ramanathapuram retired on 31.12.2007. The petitioner is that his name was not included in the approved list of Superintendents for the year 2006-2007 on the ground that he has not passed the departmental test. The petitioner seems to



have made several representations to the Government praying to include his name in the approved list of Superintendents for the year 2006-2007 on par with his juniors by granting exemption for not clearing the departmental examination as per G.O.(Perm)No.1120 P & AR Department, dated 30.10.1984 and notionally promote him on par with his juniors. Since no order has been passed so far, the present writ petition has been filed.

4.Learned Government Advocate appearing for the respondents would contend that even as early as on 16.02.2015, the Director of Treasuries and Accounts, Chennai had sent a notice to the petitioner stating that the relevant file of the petitioner in File Nos.12690/2006/C2, dated 06.06.2006 and 04.07.2007 were destroyed and therefore, they are not in a position to take any further action to consider the claim of the petitioner.

5.This Court is of the view that it may not be appropriate to contend that since the files relating to the petitioner were destroyed, the claim of the petitioner cannot be gone into. However, it is seen that the petitioner again seems to have made a representation on 19.12.2015 seeking for the very same relief which is also pending without any response.

6.In view of the above, the writ petition is disposed of directing the respondents to consider the representation of the petitioner, dated 19.12.2015 with the available records maintained by the Department and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Finance (Treasuries & Accounts II) Department,
Secretariat, Chennai 600 009.

2.The Special Commissioner of Treasuries and
Accounts, Treasuries and Accounts Department,
Panagal Buildings,
Saidapet, Chennai 600 015.

3.The Treasury Officer,
District Treasury,
Ramanathapuram District, Ramanathapuram.

+1 CC to M/s.S.Visvalingam, Advocate, SR No.8020

+1 CC to the Special Government Pleader , SR No.8542

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