



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2016

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

W.P(MD)No.2409 of 2016

and

W.M.P(MD)No.2155 of 2016

S.Subramanian

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by the Secretary to Government,  
Handlooms, Handicrafts, Textiles and Khadi Department,  
Fort st. George,  
Chennai - 600 009.

2.The Director,  
Department of Sericulture,  
Folke's Compound,  
Anaimeedu,  
Salem -1.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to include the petitioner in the panel for promotion to the post of Assistant Director for the year 2016 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Anandaraj,  
Government Advocate

#### ORDER

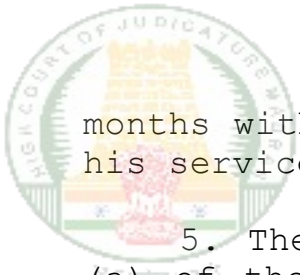
Mr.R.Anandaraj, learned Government Advocate takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed praying for a Writ of Mandamus directing second respondent to include the petitioner in the panel for promotion to the post of Assistant Director for the year 2016.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The petitioner seems to have suffered two minor punishments of stoppage of increment for a period of three months and six



months without cumulative effect and it is also duly registered in his service records.

5. The learned Government Advocate stated that as per Rule 4 (a) of the Tamil Nadu State and Subordinate Service Rules, there is a check period of five years from the date of punishment, to consider the case of the delinquent employ. Therefore, it is not possible to include the petitioner in the panel for promotion to the post of Assistant Director for the year 2016.

6. Considering the above stated circumstances, without expressing any opinion on the claim made by the petitioner, the second respondent is directed to consider the representation of the petitioner, dated 14.12.2015 and pass orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,  
State of Tamil Nadu,  
Handlooms, Handicrafts, Textiles and Khadi Department,  
Fort St. George,  
Chennai - 600 009.

2. The Director,  
Department of Sericulture,  
Folke's Compound,  
Anaimeedu,  
Salem -1.

+One cc to M/s.T.Lajapathi Roy, Advocate, SR.No.7263

+One cc to The special Government Pleader, SR.No.6609

pm

RL/5C/AAL/MPA/11/2/2016

W.P (MD) No.2409 of 2016

03.02.2016