

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3523 of 2017

and W.M.P.No.3540 of 2017

K.Rajendran

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep by the Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
 - 2.The Director,
Directorate of Public Libraries,
737/1, Anna Salai, Chennai - 600 002.
 - 3.The Principal Secretary to Government,
Personnel and Administrative
Reforms (S) Department,
Fort St.George, Chennai - 600 009.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent herein to consider the name of the petitioner for promotion to the post of Deputy Director of Public Libraries or Joint Director of Public Libraries or Director of Public Libraries as submitted in his representation dated 20.01.2017 or to provide promotion on temporary basis to the said posts as per G.O.Ms.No.105 dated 09.10.2015 issued by the 3rd respondent herein.

For Petitioner : Mr.S.Arunkumar

For Respondents : Mrs.M.E.Rani Selvam,
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner, at present, is working as District Library Officer in Kanchipuram District and he came to be

appointed as Librarian-Grade III in the year 1984 in Public Libraries and worked in the same post for about 22 years. In the year 2006, the petitioner was promoted as Librarian-Grade II and thereafter, further promoted as Librarian-Grade I in the year 2011 and on 15.02.2011, got promoted to the present post.

3.The specific claim of the petitioner is that he possesses all qualifications for his promotion and as such, he is eligible to be considered for promotion to the post of Deputy Director of Public Libraries and he has also filed a Writ Petition in W.P.No.27504 of 2014 praying for appropriate direction to consider his name for promotion to the post of Deputy Director of Public Libraries/Joint Director of Public Libraries/Director of Public Libraries. Similarly, he has also filed W.P.No.34860 of 2015 for the same relief and both the Writ Petitions have been entertained and are pending.

4. Mr.S.Arunkumar, learned counsel appearing for the petitioner would submit that the petitioner was visited with disciplinary proceedings in the form of a Charge Memo and it was challenged in W.P.No.27504 of 2014 and on 15.10.2014, an interim order was granted for a limited period. It is the submission of the learned counsel appearing for the petitioner that though the pendency of the Charge Memo pertains to imposing of major penalty, confirmation of promotion can be deferred. However, the 3rd respondent has issued G.O.Ms.No.105, Personnel and Administrative Reforms (S) Department, dated 09.10.2015, amending Rule 10(a)(iv) and Rule 39(d) of the General Rules for the State and Subordinate Services Rules. In the light of the said G.O.Ms., there cannot be any impediment to the respondents to consider the claim of the petitioner for temporary promotion to the post of Deputy Director of Public Libraries. In this regard, he has also submitted a representation dated 20.01.2017 to the respondents, through proper channel. In similar facts and circumstances, this Court has passed orders on 16.09.2016 in W.P.No.25039 of 2016, M.Jothi Vs. The State of Tamil Nadu, rep by the Secretary to Government, Revenue Department, Fort St.George, Chennai - 600 009 and others, to consider and dispose of the representation submitted by the petitioner therein and therefore, prays for similar orders.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the respondents 1 to 3 to consider the representation submitted by the petitioner, through proper

channel, dated 20.01.2017 and after putting notice to the persons concerned, shall pass orders on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 9.
- 2.The Director,
Directorate of Public Libraries,
737/1, Anna Salai,
Chennai - 600 002.
- 3.The Principal Secretary to Government,
Personnel and Administrative
Reforms (S) Department,
Fort St.George, Chennai - 600 009.

+1cc to Govt. Pleader Sr. 9693

+1cc to Mr.S.Arunkumar Advocate SR. 9570

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VSN(CO)
VR(22/02/2017)

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