

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3860 of 2017

P. Indirani

...Petitioner

Vs

1. The Government of Tamil Nadu rep by
The Secretary,
Commercial Taxes and Registration (H) Department,
Fort.St. George,
Chennai - 600 009

2.The Inspector General of Registration,
100, Santhome High Road,
Chennai

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the representation dated 15.05.2016 of the petitioner and pass final orders within the reasonable time.

For Petitioner: Mr.M. Dhandapani

For Respondents: Mr.P. Senthilvel
Govt. Advocate

ORDER

By consent the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2. The petitioner entered into the service of the respondents as a Section Writer on 17.03.1979 and promoted as Junior Assistant on 01.05.1983 and further promoted as Assistant on 12.01.1994 and subsequently as Grade-II, Sub-Registrar on 11.08.2008 and retired from service on attaining the age of superannuation on 31.08.2009. The petitioner, while working as Grade-II, Sub Registrar was issued with a charge memo dated 19.02.2009 for the alleged lethargy in the discharge of duties

while working as Assistant in the office of the Sub-Registrar, Sembium. The petitioner submitted her explanation on 04.08.2009 and she was imposed with a punishment of "censure" vide proceedings of the 2nd respondent dated 31.08.2009 at the verge of her retirement.

3. The petitioner would further state that as per G.O.(Rt) No.173 dated 13.10.2010 of the first respondent, the list of Junior Assistants promoted as Sub-Registrars Grade-II who were appointed during the period 1970 to 1998 was issued and the name of the petitioner appeared in serial No.67. The grievance expressed by the petitioner is that she was given promotion as Grade-II, Sub-Registrar, on 11.08.2008 without considering her seniority on the basis of the date of her initial appointment as per the above cited instructions and guidelines. In this regard, she has submitted a representation dated 15.05.2016 to the 2nd respondent by R.P.A.D and though it was received and acknowledged, so far no orders have been passed.

4. Mr.M.Dhandapani, learned counsel appearing on behalf of the petitioner would submit that the punishment of censure had become defunct on 03.02.2010 and she was allowed to retire on 31.08.2009 with all terminal benefits being extended to her and as such, she is entitled to the benefits in terms of G.O.3D.No.2 dated 12.03.2007 and prays for appropriate orders.

5. Per contra Mr.P.Senthilvel, learned Government Advocate appearing for the respondents would submit that for having submitted a representation, the petitioner did not enclose the acknowledgement and prays for time to get necessary instructions.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the 2nd respondent with a copy of this order as well as a copy of the earlier representation dated 15.05.2016 within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

vsi

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes and Registration (H) Department,
Fort.St. George, Chennai - 600 009
2. The Inspector General of Registration,
100, Santhome High Road, Chennai

+lcc to Mr.Ravindranathan, Advocate, S.R.No.10079
+lcc to the Government Pleader, S.R.No.10594

NMJ(CO)
RS(03/03/2017)

W.P.No.3860 of 2017



WEB COPY