

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.15944 of 2017

L. Manokaran

... Petitioner

vs.

1 The Principal Secretary/
Commissioner for Revenue Administration
Chepauk
Chennai 600 005

2 The District Collector
Villupuram District
Villupuram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider and pass orders on merits by disposing the petitioner's written representation dated 22.04.2013 within a stipulated time.

For petitioner Mr. C. Prakasam

For respondents Mr. T.M. Pappiah
Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents.

2 This writ petition has been preferred seeking a writ of mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 22.04.2013 within a stipulated time.

3 The petitioner's case is that he is aged about 80 years; he joined the Revenue Department as Junior Assistant in 1958; in 1982, he was promoted as Assistant-Selection Grade and on 25.04.1983, he was promoted as Deputy Tahsildar; while so, he was suspended from service on 08.11.1985 on the basis of registration of a police complaint against him; however, he was

reinstated in service on 19.09.1986, pending criminal case as well as departmental proceedings; in view of pendency of criminal case, he was again suspended from service and not permitted to retire from service on his reaching the age of superannuation on 31.07.1995; when the Criminal Court had acquitted him by order dated 16.03.2004, the second respondent passed the order of revocation of suspension only on 05.02.2011 i.e., after about seven years and permitted him to retire from service by treating the "suspension period" as "duty period" and he also dropped the departmental proceedings pending against him, bearing in mind, his date of superannuation which is 31.07.1995; hence, he had addressed many a representation to the authorities seeking notional promotion and finding no response, this writ petition has been preferred seeking the aforestated relief.

4 When the petitioner was given the benefit of regularisation of the period of suspension and when the departmental proceedings pending against him was also dropped, keeping in mind, the date of his superannuation as 31.07.1995, this Court does not find any justification on the part of the petitioner in once again asking for notional promotion. The reason is, admittedly, he was facing suspension from 08.11.1985 and after he was reinstated in service on 19.09.1986, he was again placed under suspension from 31.07.1995 in view of pendency of criminal case and departmental proceedings against him. Only in view of order of acquittal passed by the Criminal Court, the second respondent, viz., District Collector, Villupuram, considering the fact that the petitioner had reached the age of superannuation, dropped the departmental action against him without going into the correctness of the same.

5 In such view of the matter, the petitioner's representation dated 22.04.2013 which is filed belatedly seeking notional promotion, cannot be directed to be disposed of.

In the result, this writ petition fails as being devoid of merits and is accordingly dismissed. Costs made easy.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

To

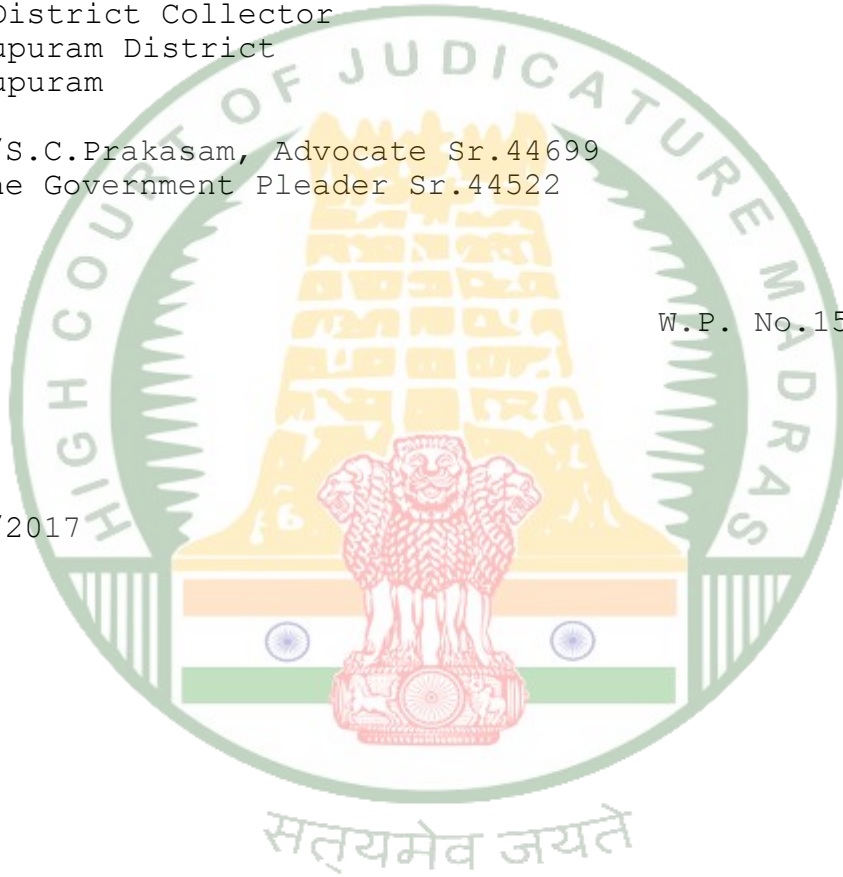
1 The Principal Secretary/
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Villupuram District
Villupuram

+1cc to M/S.C.Prakasam, Advocate Sr.44699
+1cc to the Government Pleader Sr.44522

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