

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE.T.RAJA

W.P.No.42420 of 2016

and W.M.P.No.36301 of 2016

T.Kripasankar

... Petitioner

Vs.

The Registrar
University of Madras
Centenary Building, Chepauk
Chennai-600 005.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to consider the representations dated 29.07.2016 and 03.10.2016 and consequently, promote the petitioner to the post of Section Officer with effect from 13.09.2015 and consequently, grant him all the benefits and increments due to him and re-fix his pay and grant all the arrears from the respective eligible date.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.Mani Sundar Gopal,
standing counsel

ORDER

This writ petition has been filed by the petitioner directing the respondent to consider the representations dated 29.07.2016 and 03.10.2016 and consequently, promote the petitioner to the post of Section Officer with effect from 13.09.2015 and consequently, grant him all the benefits and increments due to him and re-fix his pay and grant all the arrears from the respective eligible date.

2. The learned counsel appearing for the petitioner would submit that the petitioner while working as an Assistant Section Officer with the respondent was issued with a charge memo in the

year 2012 for certain misconducts. Though the petitioner entitled for promotion to the post of Section Officer, the same was not given to him due to the pendency of the disciplinary proceedings. After an enquiry, respondent has passed an order imposing a penalty of reduction to the lower post of Assistant for a period of two years with effect from 13.09.2013. Pursuant to the same, the petitioner had undergone the period of punishment for two years. He further submitted that the petitioner had also challenged the order of punishment and the same is still pending before this Court. Even after the period of punishment was over, the petitioner was not restored to the post of Assistant Section Officer. Hence, he has moved another writ petition and pending writ petition, the petitioner was restored to the post of Assistant Section Officer. However, his eligibility for promotion to the further post of Section Officer was not considered till date and his juniors are being promoted to the post of Section Officer. Therefore, the petitioner has made representations to the respondent to consider his case for promotion to the post of Section Officer, since he is about to retire in the year 2017. Hence, he has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent.

4. Taking note of the submissions made by the learned counsel for the petitioner, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the representations of the petitioner dated 29.07.2016 and 03.10.2016 respectively and pass appropriate orders, on merits and in accordance with law, within a week before the date of the retirement of the petitioner.

With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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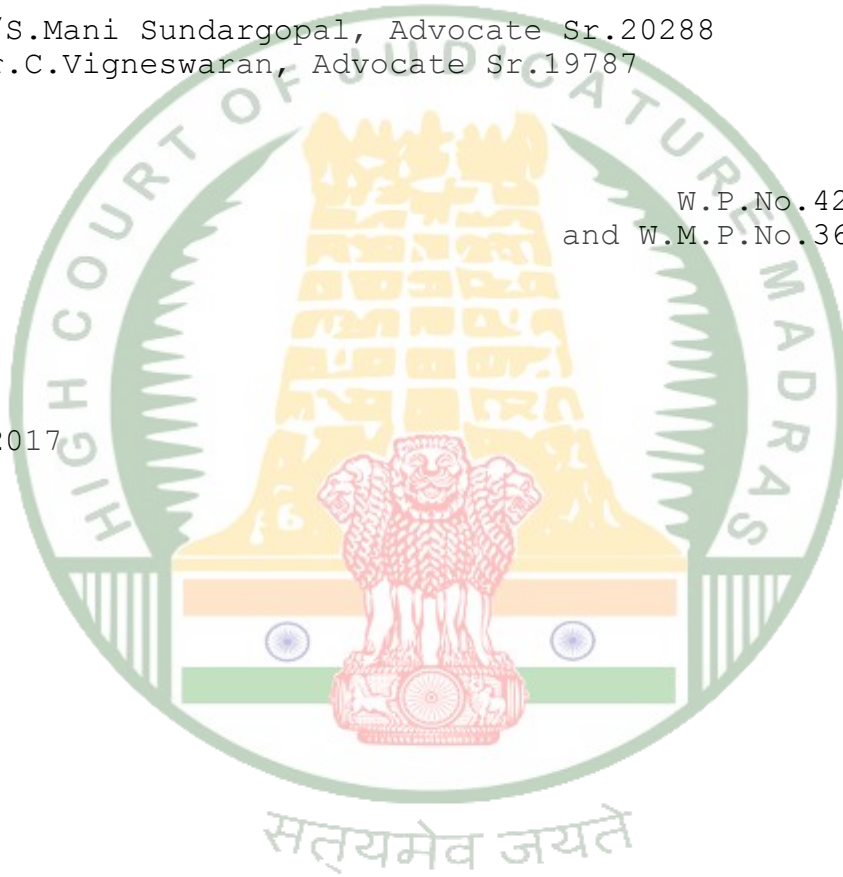
The Registrar,
University of Madras,
Centenary Building, Chepauk,
Chennai-600 005.

+lcc to M/S.Mani Sundargopal, Advocate Sr.20288

+lcc to Mr.C.Vigneswaran, Advocate Sr.19787

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