

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44179/2016

S.Nagarajan

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Petitioner

Vs

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

Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider the representation of the petitioner dated 20.06.2016 and 05.08.2016 and step up the pay on par with petitioner's junior Mr.Balasubramanian from the due date and grant notional increment from the year 2013 and also annual increment for the year 2014 with monetary benefits till the date of retirement of the petitioner and consequently to fix the pension payable to the petitioner from the due date.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.R.Vijayakumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Standing Counsel accepts notice on behalf of the respondent.

2 The petitioner joined the services of the respondent / University on 24.12.1983 as Junior Assistant and got his promotion as Assistant and Assistant Section Officer and in the year 2008, the petitioner was promoted to the post of Section Officer. The petitioner would claim that he had put in hard, sincere and blemish less service to the utmost satisfaction of the superior officers. The petitioner would further aver that based on false complaint of tampering of marks in IDE examinations, the petitioner was visited with disciplinary proceedings in the form of Charge Memo under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, on 01.06.2012, denying the charges. However, the

respondent, not satisfied with with the explanation, has appointed an Enquiry Committee and the Enquiry Committee has submitted its report, holding that the charges framed against the petitioner and four others have been proved and exonerated 15 other members, who were also issued with charge memos along with the petitioner and others. The Disciplinary Authority, viz., the respondent has accepted the Enquiry Report and issued the 2nd charge memo on 07.03.2013, calling upon the petitioner to offer his explanation. The petitioner has also submitted the same and not satisfied with it, ordered imposition of penalty of reduction to the lower post of Assistant Section Officer for one year from the date of Syndicate Meeting on 13.09.2013, came to be passed and his pay was also reduced to minimum of the pay band and grade pay as applicable to the post of Assistant Section Officer. The petitioner, challenging the order of punishment, filed an appeal to the Syndicate of the respondent / University on 25.11.2013 and also prayed for stay of the operation of the order and however, in the absence of interim order, the order of punishment was given effect to. The petitioner, made challenge to the said order by filing WP.No.979/2014 before this Court and it was entertained and interim order was granted, restraining the respondent / University from recovering any amount pursuant to the order of punishment and however, the petitioner was relieved to the post of Assistant Section Officer and had undergone the punishment period for one year and also completed his punishment. The grievance now expressed by the petitioner is that the order of punishment dated 07.11.2013 commenced on 13.09.2013 and it came to an end on 12.09.2014 and as such, the petitioner should have been promoted to his original post of Assistant Section Officer and ought to have been conferred with all consequential benefits and since it has not been done, he submitted representations dated 20.06.2016 and 05.08.2016 respectively and since those representations have not been considered and given disposal, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Standing counsel appearing for the respondent / University.

4 Though the petitioner has prayed for a 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, directs the respondent / University to consider and dispose of the petitioner's representations dated 20.06.2016 and 05.08.2016 respectively on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

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

+1cc to Mr.C.Vigneshwaran, Advocate sr.22

W.P.No.44179/2016

lrs(co)
ss(23/01/2017)



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