



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A (MD).No. 767 of 2017

and

C.M.P. (MD) No.5571 of 2017

1.The Secretary to Government,
Finance (Treasuries and Account-1) Department,
Secretariat,
Chennai-600009.

2.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai-600015.

... Appellants/Respondents

Vs

A.Thiagarajan

... Respondent/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order dated 06.06.2014 made in W.P (MD). No.8956 of 2014.

Prayer in WP(MD). 8956/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to Na.Ka.No. 1/2014/A.Na2-98 dated 09.05.2014 and quash the same and consequently direct the respondents to include the name of the petitioner in the approved list of Additional Treasury Officers of the year 2013-2014 according to the petitioner s feeder category seniority with all service and monetary benefits within a specified time frame that may be fixed by this HONourable Court.

For Appellant : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent : Mr.S.Visvalingam

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants, Mr.S.Visvalingam, learned counsel appearing for the respondent.



2.This Writ Appeal is directed against the order dated 06.06.2014 made in W.P (MD).No.8956 of 2014.

3.The Writ Petition was filed by the respondent herein, challenging the proceeding of the second appellant dated 09.05.2014 and sought for further direction to include the name of the respondent in the approved list of Additional Treasury Officers of the year 2013-2014. The reason for deleting the respondent's name from the said list was on account of the fact that after the expiry of the period of punishment for the next five years the employee will not be granted any promotional benefits, on the ground that the check period is in operation.

4. The validity of the Government Orders fixing a check period of 5 years was tested by a Full Bench of this Court, in the case of, **The Deputy Director General of Police, Thanjavur Range Vs V.Rani, reported in 2011 (3) CTC, 129,** wherein it was held that there cannot be any embargo under the guise of check period. To get over the said decision, the State Government amended the Rule by passing G.O.M.S.No.22, dated 24.02.2014. This Government Order was put under challenge in batch of cases in the case of, **K.Rajalakshmi and others Vs. Principal Secretary to Government, School Education Department filed in W.A.No.983 of 2015, dated 14.09.2016,** and the Writ Appeals and Writ Petitions were allowed and the said Government Order was quashed in so far as it relates to check period is concerned.

4.Therefore, the view taken by the learned Single Judge, in the Writ Petition is to be confirmed, on more than one ground. Further the learned counsel for the respondent would submit that the respondent has already been promoted.

5.In the light of the above discussion and submission, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Secretary to Government,
Finance (Treasuries and Account-1) Department,
Secretariat, Chennai-600009.

2.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet, Chennai-600015.

dsk/rmk

MAS/KP/SAR2:07.07.2017:2P-3C

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