



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P(MD)No.13088 of 2017

M.Ramasamy

... Petitioner

vs.

1. The Secretary to Tamil Nadu
Rep. by its Secretary
Public Works Department
Fort St. George, Chennai.

2. The Engineer in Chief & Chief Engineer
Public Works Department
Chepauk, 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 respondents 1 and 2 to take immediate action and to grant the monetary benefits for the regularised the suspension period and to grant notional promotion on par with petitioner's juniors and to place the petitioner retrospective seniority and to grant all monetary benefits to the notional promotion by considering the petitioner's representation dated 03.01.2017.

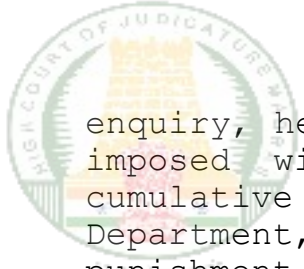
For Petitioner	: Mr.S.Niranjan S.Kumar
For Respondents	: Mr.K.Guru Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. This writ petition has been filed for a direction to the respondents 1 and 2 to take immediate action and to grant the monetary benefits for regularised suspension period and to grant notional promotion on par with petitioner's juniors and to place the petitioner retrospective seniority and to grant all monetary benefits to the notional promotion by considering the petitioner's representation dated 03.01.2017.

3. The petitioner, while serving as Assistant Engineer, suffered initiation of departmental proceedings vide Noc II(3)/455/97-7 dated 28.12.1997. He was also suspended from service during the period of enquiry. However, after the conclusion of



enquiry, he was found guilty of the charges and as a result, he was imposed with the punishment of stoppage of increment without cumulative effect for a period of six months by G.O.(D).No.77/PW(E1) Department, dated 04.03.1999. Having aggrieved by the order of said punishment, the petitioner, unsuccessfully, filed review petition, which was subsequently dismissed on 17.05.2002, vide G.O.(D) No.227/PW(F2) Department. Again, questioning the correctness of the said punishment, the petitioner approached the Tamil Nadu Administrative Tribunal in OA No.5255/2002. After abolition of the Tamil Nadu Administrative Tribunal, the matter was transferred to the High Court and renumbered as W.P.No.23453/2006 and this Court allowed the writ petition by order dated 24.06.2014, thereby, setting aside the punishment. Therefore, the claim of the petitioner that when the impugned order passed in G.O.(2D)No.227/PW (F2) Department, dated 17.05.2002, confirming the punishment in G.O.D.No.77/PW(E1) Department, dated 04.03.1999 was set aside with the further consequential direction to the respondents to give consequential service and monetary benefits including that of notional promotion as Assistant Executive Engineer with effect from the date on which his juniors were promoted to the post of Assistant Executive Engineer, the petitioner has given his representation stating that the period of suspension should go along with the punishment, since this Court has set aside the order of punishment. However, the said representation has not been considered and therefore, the petitioner is before this Court with this writ petition.

4. The learned counsel for the respondent sought sufficient time to consider the petitioner's representation.

5. Therefore, the respondents are directed to consider the representation of the petitioner dated 03.01.2017 and pass appropriate orders, in the light of the order passed by this Court in W.P.NO.23453/2006 dated 24.06.2014, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

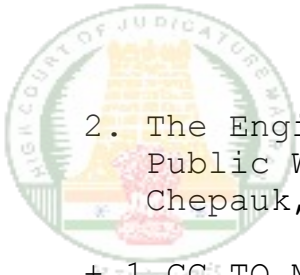
Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Public Works Department
Fort St. George, Chennai.



2. The Engineer in Chief & Chief Engineer
Public Works Department
Chepauk, Chennai.

+ 1 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 65781

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66123

RR

TE/SKN-RSK/SAR-IV : 28/08/2017 : 3P/5C

W.P (MD) No.13088 of 2017
17.07.2017