



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA
W.P. (MD) No. 15110 of 2017

and

W.M.P. (MD) No. 11912 of 2017

Pushbakaran

... Petitioner

Vs.

1. The Director of Employment and Training
Guindy, Chennai.

2. The Director (Crafts man Training)
Directorate of Employment and Training
Guindy, Chennai.

3. The Government Industrial Training Institute,
Rep. by its Principal
Tiruchendur, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned panel list order passed by the 1st respondent in his proceeding vide Proc. No. TP1/42611/2016 dated 03.05.2017 and quash the same for the non inclusion of the petitioner's name for the promotion of training officer post and may consequently direct 1st respondent to promote this petitioner as Training Officer proportionate to his seniority.

For Petitioner : Mr. K. P. Narayanakumar

For Respondents : Mr. K. Guru

Additional Government Pleader

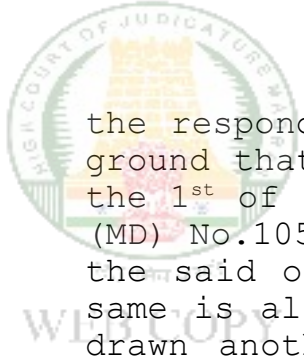
O R D E R

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

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

3. The writ petition is directed against the impugned panel list dated 03.05.2017 and for a consequential direction to the 1st respondent to promote the petitioner as Training Officer.

4. It is the case of the petitioner that he suffered punishment of stoppage of increment for a period of one year without cumulative effect by order dated 16.04.2014. But, after the expiry of the said punishment, the respondents have failed to include his name in the subsequent panel drawn on 31.05.2016 for promotion to the post of Training Officer. Therefore, the petitioner sent a representation to



the respondents on 05.05.2017. however, the same was ignored on the ground that the commencement of the increment would start only from the 1st of July. Though the petitioner has obtained an order in W.P (MD) No.10566/2016 for his inclusion in the panel, dated 31.05.2016, the said order has been challenged in W.A.(MD) No.315/2016 and the same is also pending. In the meanwhile, the respondents have also drawn another panel on 11.05.2017 again omitting the petitioner's name for promotion. When the petitioner's prayer in W.P.(MD) No.10566/2016 seeking direction to include his name in the panel drawn on 31.05.2016 was accepted by order dated 24.04.2017, which has been taken up in W.A.(MD) No.315/2016 and the same is pending, the respondents ought to have included his name atleast in the subsequent panel drawn on 11.05.2017. Since the petitioner is not facing any departmental proceeding or currency of punishment and whether he is entitled to be included in the panel drawn on 31.05.2016 or not, his claim for his inclusion in the latest panel drawn on 11.05.2017 should be considered.

5. I find some force in the submission made by the learned counsel for the petitioner.

6. Without going into the merits of the issue, the respondents are directed to consider the case of the petitioner for inclusion in the panel on 11.05.2017 by issuing another appropriate order, if he is otherwise eligible, namely, if the petitioner is not facing any departmental proceedings or currency of punishment.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of Employment and Training
Guindy, Chennai.
- 2.The Director (Crafts man Training)
Directorate of Employment and Training
Guindy, Chennai.
- 3.The Principal
Government Industrial Training Institute,
Tiruchendur, Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 75654

+1cc to Mr.K.P.NARAYANA KUMAR Advocate in SR. No.75418

RR

JS/JC/SAR.1/6.9.2017/2P-6C

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and

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