



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WEB COPY

W.P. (MD) No.16463 of 2017
and W.M.P. (MD) No.13123 of 2017

K.Muneeswaran

... Petitioner

-vs-

The Principal District Judge,
Madurai District Court,
Madurai - 625 020.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the respondent relating to the proceedings A.No.144/3-A/2017/A1 dated 17.08.2017 and quash the orders relating to paragraph (8) of the proceedings alone in respect of the petitioner and consequently direct the respondent to promote the petitioner as Sherishtadar (Category-I) on par with his juniors within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.N.Tamilmani

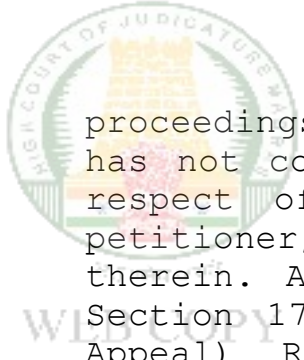
O R D E R

(Order of the Court by M.M.SUNDRESH, J.,)

The petitioner who is working as Grade-I Bench Clerk seeks promotion as Sheristadar (Category - I) based upon his seniority. Apparently, the request of the petitioner has not been considered on the premise that there is a preliminary enquiry pending against him on a complaint given by one M.Andichamy, for which the petitioner has given his explanation.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3.We do find merit in the submissions made by the learned counsel appearing for the petitioner. Initiation of departmental



proceedings starts from the stage of framing of charges and that has not come. Even in a case, where charges have been framed in respect of P.Balaji was duly promoted, though junior to the petitioner, taking into consideration the allegations made therein. As against the said P.Balaji, charges are framed under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Therefore, the petitioner cannot be treated differently.

4. Accordingly, the Writ Petition stands allowed. The respondent is directed to promote the petitioner as Sherishtadar (Category - I) without prejudice to the preliminary enquiry pending against him. The needful shall be done within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

The Principal District Judge,
Madurai District Court,
Madurai - 625 020.

+1cc to M/S.S.VISVALINGAM, Advocate SR.No.79266

+1cc to Special Government Pleader, SR.No.79613

sj

MAS/SKN-RSK/SAR1:22.09.2017:2P-4C

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