

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20407 of 2016

D.Audikesavan

... Petitioner

vs.

1.The Managing Director,
State Express Transport Corporation,
Pallavaram Salai,
Chennai - 600 002.

2.The General Manager (Administration),
State Express Transport Corporation,
Pallavaram Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents to revise and refix the pension and other pensionary benefits by granting time-bound and other promotions as per Rules on par with the juniors consequent upon dropping of the departmental charge memo and that of the acquittal in the criminal case with all consequential benefits as per Fundamental Rules.

For Petitioner : M/s.L.Chandrakumar

For Respondents : Mrs.Rajani Ramadass

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O R D E R

The relief sought for in this writ petition is for a direction to directing the respondents to revise and refix the pension and other pensionary benefits by granting time-bound and other promotions as per Rules on par with the juniors consequent upon dropping of the departmental charge memo and that of the acquittal in the criminal case with all consequential benefits.

2. The writ petitioner was initially appointed as Tyreman on 29.09.1972. Subsequently the writ petitioner was granted Tyreman Grade-2 and Grade-1. On account of certain allegations, departmental disciplinary proceedings were initiated against the writ petitioner and he was not granted with the time bound promotions on par with his colleagues who all are working in the same category.

3. The learned counsel for the writ petitioner now brought to the notice of this Court that, the departmental disciplinary proceedings initiated against the writ petitioner was blocked by the authorities and the criminal case also ended with an order of acquittal. Based on the fact that, the writ petitioner has been totally exonerated both from the departmental disciplinary proceedings as well in the criminal case. He made a representation to consider his case for retrospective promotion as well as to grant all consequential monetary benefits. However, the said representation is yet to be considered. Thus the writ petitioner is constraint to move the present writ petition.

4. This Court is of an opinion that, an employee is not entitled to get promotion during the pendency of the disciplinary proceedings and during the pendency of the criminal case. However, if such an employee is exonerated from the allegations then he is entitled to get all the promotions and other monetary benefits on par with his juniors who were promoted.

5. This being the principles in respect of the promotion to be followed by the authorities, the representation of the writ petitioner in this regard is to be considered. If the writ petitioner is otherwise qualified and if there is no other impediment to consider the case of the writ petitioner, then the respondents are bound to consider the case of the writ petitioner as per the rules in force.

6. Thus without going in to the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 15.11.2014 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and all other relevant documents along with the order of the present writ petition.

7. Accordingly the writ petition stands disposed of. There shall be no order as to Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pkn

To

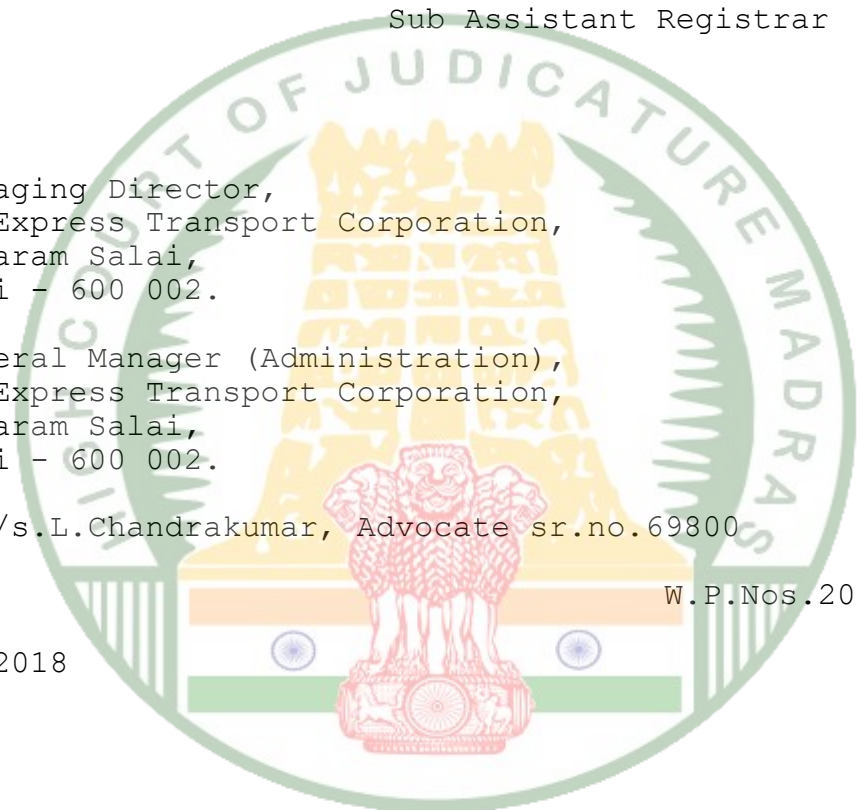
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+1cc to M/s.L.Chandrakumar, Advocate sr.no.69800

W.P.Nos.20407 of 2016

nr 31/10/2018

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words 'HIGH COURT OF JUDICATURE MADRAS' are written in a circular border around the emblem. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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