

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE Mrs.JUSTICE S.RAMATHILAGAM

W.P.No.21271 of 2018

G.Kalaiselvi

... Petitioner

vs.

1.The Principal District Judge,
District-Court, Chengalpet

2. The Principal District Judge,
District-Court, Tiruvallur

3. The Registrar General,
High Court, Madras

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd Respondent to dispose of Petitioner's representation dated 05.04.2018.

For Petitioner : Mr.T.Gobinath for
Mr. R.Vasudevan

For Respondents : Mr.D.Kanagasundaram

O R D E R

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents 1 to 3. No counter is filed on behalf of the Respondents 1 to 3.

2. The Petitioner is working as a Sherishtadar in Kancheepuram District at Chengalpattu. She was appointed as Tamilnadu Public Service Candidate on 16.02.1997, nominated to Chengalpattu District, as Junior Assistant in the District Munsif Court, Thiruvallur for the period from 01.07.1989 to 30.06.2004. She was promoted to Bench Clerk, Grade I in the Principal District Court, Tiruvallur with effect from 01.10.2013 to 30.04.2017. According to her, she has rendered unblemished service for the past 30 years and continues to do so.

3. The Petitioner's Senior, viz., C.Kanagaraj was promoted

as Sherishtadar in Kancheepuram District at Chengalpattu from Tiruvallur District, later as Chief Administrative Officer, Ramnad District on 30.04.2017 and retired on 30.06.2017. Subsequently, she was promoted as Sherishtadar in Kancheepuram District at Chengalpattu and further, she was promoted from Chengalpet. Her promotion was due as on 01.07.2017 on the superannuation of her Senior, viz., C.Kanagaraaj, Chief Administrative Officer, Ramnad District. The specific case of the Petitioner is that she ought to have been promoted as Chief Administrative Officer, Ramnad District, but, the promotion was not given to her and further that, she is senior most Sherishtadar in Tamilnadu.

4. At this stage, the Learned Counsel for the Petitioner submits that the Petitioner's promotion is delayed due to non-refixation of seniority and presently, the post of Chief Administrative Officer at Labour Court, Chennai is vacant and she may be considered for the same. Moreover, disciplinary proceedings was initiated against the Petitioner for having failed to perform her duty as Record Assistant. The Petitioner was served with a Charge Memo dated 07.10.2017, which was quashed by this Court on 21.03.2018 in W.P.No.1191 of 2018 filed by her.

5. The Learned Counsel for the Petitioner projects an argument that the Petitioner was not promoted till date to the post of Chief Administrative Officer when various other persons were promoted and when the disciplinary proceedings initiated against the Petitioner was quashed by this Court in W.P.No.1191 of 2018 on 21.03.2018, then, the Petitioner is rightly eligible to be considered for promotion to the post of Chief Administrative Officer.

6. Apart from that, the Petitioner submitted a representation to the Principal District Judge, District Court, Thiruvallur on 05.06.2017 and on 05.04.2018 through the 1st Respondent / Principal District Judge, Thiruvallur at Chengalpattu, but she has not received any reply. Her promotion is at stake, hence she has filed the present Writ Petition seeking for passing of an Order by this Court in directing the 3rd Respondent / Registrar General, High Court, Madras to dispose of her representation dated 05.04.2018.

7. In view of the fact that Charge Memo issued to the Petitioner was quashed by this Court in W.P.No.1191 of 2018 on 21.03.2018 and this Court bearing in mind an important fact that the Petitioner's representation dated 05.04.2018 through the 1st Respondent is pending, at this stage, this Court without expressing any opinion on the merits of the matter, in the interest of justice, fair play, equity, good conscience and even as a matter of prudence, directs the 3rd Respondent / the

Registrar General, High Court, Madras to look into the Representation of the Petitioner dated 05.04.2018 and to dispose of the same, of course, in accordance with Law, within a period of four weeks from the date of receipt of a copy of this Order.

With the aforesaid observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Principal District Judge,
District-Court, Chengalpet
2. The Principal District Judge,
District-Court, Tiruvallur
3. The Registrar General,
High Court, Madras

+1cc to Mr.R.Vasudevan, Advocate, S.R.No. 57146

W.P.No.21271 of 2018

PA (CO)
GN(07/09/2018)

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