

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33862 of 2018

T.P.Ranganathan

... Petitioner

Vs

1.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035.

2.The Administrative Officer
Tamilnadu Housing Board, Nandanam
Chennai 600 035.

... Respondents

For Petitioner : M/s.S.Sivakumar

For Respondent : Mr.V.Anandamurthy, Standing Counsel

Prayer in W.P.No.33345 / 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to promote the petitioner as Junior Assistant on par with his junior by considering the petitioner's representation dated 02.07.2018 within reasonable time.

O R D E R

The petitioner entered into service as Draughtsman and later promoted as Junior Engineer in 2011. He absented from duty due to ill health from 09.03.2005 to 31.03.2005. Thereafter, disciplinary proceedings were initiated against the petitioner, resulting in his suspension on 09.06.2005. By an order dated 25.08.2006, his suspension was revoked and the punishment of Censure was imposed on the petitioner, treating the period of suspension to the date of reinstatement as leave. Challenging the same, the petitioner approached this Court by filing W.P.No.21596 of 2015 and the same has been disposed of with a direction to consider the petitioner's claim in the light of the order passed by this Honourable Court in W.P.No.32089 of 2005, involving similar facts and circumstances. Pursuant to the same, by the order dated 12.02.2016, the first respondent

modified the punishment and treated the suspension period as duty period for all purposes. Hence, the petitioner made a detailed representation dated 02.07.2018 to the first respondent to consider him for promotion and to include his name in the panel for promotion, which did not evoke any response. Hence, the petitioner has filed the present writ petition.

2. Mr.V.Anandamurthy, learned Standing Counsel takes notice on behalf of the respondents.

3. Learned counsel appearing for the petitioner pointed out that the petitioner is entitled for promotion to the post of Junior Engineer for the year 2007-2008. However, his promotion was not considered and his juniors were promoted, on the ground that the punishment of censure was imposed on him. Learned counsel pointed out that since the punishment has no currency at the relevant point of time in view of the full bench judgment of this Court and that thereafter the punishment has been modified into one of treating the period of suspension as duty period, there was no impediment to promote the petitioner as Junior Engineer for the panel year 2007-08 on par with his juniors.

4. In view of the limited prayer, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the representation submitted by the petitioner and pass orders on the same.

5. In the above circumstances, this writ petition is disposed of directing the first respondents to consider the representation submitted by the petitioner dated 02.07.2018, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-II)

//True Copy//

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Sub Assistant Registrar

kst

To

1. The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035.

2.The Administrative Officer
Tamilnadu Housing Board, Nandanam
Chennai 600 035.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No. 89684
+1cc to Mr.S.Sivakumar, Advocate, S.R.No. 88681

W.P.No.33862 of 2018

SV(CO)
GN(21/12/2018)



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