



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P (MD)No.2537 of 2018
and
WMP (MD)No.2720 of 2018

V.Stella Lourdu Mary

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The District Collector,
(Development Division),
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to promote the petitioner to the post Block Development Officer from the date of her immediate juniors 16 members were promoted, with all consequential monetary and service benefits by the order dated 28.04.2015 passed by this Court in WP(MD)No.7013 of 2018 within the timeframe.

For petitioner

: Mr.M.Veilkani Raju

For respondents

: Mr.M.Jeyakumar,
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a retired employee of Rural Development Department. Her promotion to the post of Block Development Officer got passed over. Because, a charge memo dated 13.10.2008 was pending against her. The petitioner filed WP(MD)No.7013 of 2015 before this Court for quashing the charge memo. This Court by order dated 28.04.2015 directed the authorities to pass final orders on the disciplinary action initiated against the petitioner within a period of three months. It was made clear that if no final orders were passed within the said period, the charge memo would stand quashed automatically. It was specifically observed that the petitioner should be given all her benefits as if no charges were framed against her.

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3.It is not in dispute that no final orders were passed within



the said period. When the matter was taken up for disposal, it was submitted that an application for extension of time was filed. But, then only S.R.No. is given and the said extension of time application was not numbered.

4. In these circumstances, the order passed by this Court dated 28.04.2015 in the aforesaid writ petition will have to be given full effect. The consequence is that the petitioner did not face any charge at any point of time. Since the only reason for passing her over for promotion to the post of Block Development Officer was the pendency of the charge memo and now that the said reason is no longer available, the petitioner will have to be necessarily given notional promotion as Block Development Officer from the date on which her juniors were promoted.

5. The respondents are directed to revise the monetary benefits payable to the petitioner and disburse the same within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat, Chennai - 600 009.

2. The District Collector, (Development Division),
Ramanathapuram District, Ramanathapuram.

+1cc to Mr. P. KALAIYARASI BHARATHI, Advocate, SR.No. 55454
+1cc to M/s. Special Government Pleader, SR.No. 55953

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and
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KK/RSK/21.03.2018/SAR-4/2P-5C