

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.11.2018****CORAM:****THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN****W.P (MD) No.5666 of 2018****WEB COPY**

S.Manoharan

... Petitioner

Vs.

1. The Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai.

2. The Government Pleader,
High Court,
Chennai - 600 104.

3. The Deputy Director,
Office of the Advocate General of Tamil Nadu,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner and promote him to suitable post from the date on which his juniors were promoted and grant him all service and other benefits including back wages.

For Petitioner : Mr.S.Balamurugan

For Respondents: Mr.K.Chellapandian

Additional Advocate General

Assisted by

Mr.A.Muthukaruppan

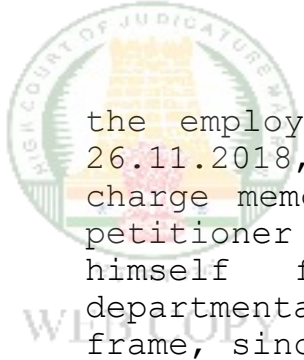
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to revise the seniority of the petitioner and promote him to suitable post from the date on which his juniors were promoted and grant him all service and other benefits, including back wages.

2.Heard the learned counsel appearing for the parties.

3.In view of the criminal case registered against the petitioner herein, he was suspended and later, reinstated by the third respondent on 04.01.2017 in view of acquittal by the appellate Court. The petitioner herein, on the ground of acquittal and reinstatement, seeks continuity of service as well as promotion from the post of Junior Assistant to the post of Manager in the Government Pleader Office. However, in the counter, it appears that



the employee has served charge memo to the petitioner herein on 26.11.2018, but the petitioner herein is evading the receipt of charge memo. However, now, the learned counsel appearing for the petitioner would submit that the petitioner is ready to submit himself for departmental proceedings, provided, the said departmental proceedings is concluded within a particular time frame, since the petitioner is likely to retire in December 2018.

4. In the light of the above fact, this Court finds no merit in the Writ Petition. Hence, this Writ Petition is dismissed. No costs. The second respondent herein has to initiate departmental proceedings and conclude the same as early as possible and the petitioner herein shall co-operate for speedy disposal of the departmental proceedings. The proceedings shall preferably be completed within a period of six months from the date of receipt of a copy of this order, provided, the petitioner herein co-operates for the same.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai.
2. The Government Pleader,
High Court,
Chennai - 600 104.
3. The Deputy Director,
Office of the Advocate General of Tamil Nadu,
Chennai.

+1cc to Spl.Government Pleader Sr.No.97750
+1cc to Mr.S.Balamurugan, Advocate Sr.No.97816

SMN2

VB/BK/SAR4/06.12.2018/2P/6C

W.P. (MD) No. 5666 of 2018
29.11.2018