

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14253 of 2019

V.S.Annadurai

... Petitioner

Vs.

The Joint Director of School Education (Personnel)
Directorate of School Education,
College Road,
Chennai - 600 006.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representation dated 19.02.2019 for Promotion as Personnel Assistant to District Education Officer and award all consequential benefits.

For Petitioner : Mr.M.S.Soundararajan

For Respondent : Mrs.V.Annalakshmi
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondent to consider the representation dated 19.02.2019 for Promotion as Personnel Assistant to District Education Officer and award all consequential benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.The case of the petitioner is that the petitioner was appointed as Assistant in the Office of the Elementary Educational Officer, Kanai, Villupuram District. The petitioner was convicted by the learned Sessions Judge, Villupuram in S.C.No.12 of 1998 by judgment dated 16.03.1999 and was removed from service under Rule 17 (C) of the Tamil Nadu Civil Service

(Discipline and Appeal) Rules on 09.11.2000. The said conviction was set aside by this Court in Criminal Appeal No.292 of 1999 on 27.01.2003. Thereafter, the petitioner filed W.P.No.27430 of 2004 seeking to reinstate him in service and the said writ petition was ordered by this Court on 13.10.2004. Thereafter, the respondent vide proceedings dated 26.11.2004, revoked the punishment of removal from service and posted the petitioner in the Government (Boys) High School, Sathyamangalam, Erode District.

4.It is the further case of the petitioner that he retired from service on 31.03.2005. Thereafter, the petitioner filed W.P.No.20973 of 2006 seeking to regularise his service to enable him to draw the pensionary benefits and after disposal of the same by this Court on 05.07.2006, the Government issued G.O.Ms.No.140, dated 18.08.2006 treating the out of service period of the petitioner as on duty, however, the petitioner was not given promotion after regularization of service. Hence, the petitioner made representation dated 19.02.2019 seeking notional promotion, however, the same has not yet been considered. Hence, this petition.

5.The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 19.02.2019 and pass appropriate orders, within a reasonable time frame.

6.Considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, I am inclined to issue direction to the respondent to consider the petitioner's representation dated 19.02.2019, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The Joint Director of School Education (Personnel)
Directorate of School Education,
College Road,
Chennai - 600 006.

+1cc to Mr.M.S.Soundararajan, Advocate, S.R.No.80517

W.P.No.14253 of 2019

SPD(CO)
CS/31/10/2019



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