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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.14378 of 2018

E.Manjula

.. Petitioner

Vs.

- 1.The Principal Secretary and
Commissioner of Treasuries & Accounts,
Nandanam, Chennai-600035.
- 2.The Treasury Officer, District Treasury,
Kancheepuram, Kancheepuram District.
- 3.The Assistant Treasury Officer,
Chengalpattu, Kancheepuram District.
- 4.The Pay & Accounts Officer, (East),
Egmore, Chennai-600 008.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner for promotion to the post of Superintendent and promote the petitioner as Superintendent from the date on which her juniors were promoted and confer all the consequential benefits, by considering the representation dated 05.02.2018 made by the petitioner.

For Petitioner .. Mr.P.Ganesan

For Respondents .. Mr.J.Pothiraj, Spl.G.P.

ORDER

This writ petition has been filed seeking for issuance of a Mandamus to direct the respondents to consider the petitioner for promotion to the post of Superintendent and promote the petitioner as Superintendent from the date on which her juniors were promoted and confer all the consequential benefits, by considering her representation dated 05.02.2018.



2. The case of the petitioner is that she was appointed as Junior Assistant through Tamil Nadu Public Service Commission and joined the office of the Commissioner of Treasuries & Accounts, Chennai on 25.08.2000. Thereafter, her services were regularised. The petitioner was transferred from Chennai to Chengalpattu in March 2002 on her request. Subsequently, she was promoted as Accountant in the year 2012. While she was working at Chengalpattu, she applied for earned leave for 15 days from 14.09.2015. However, she was advised to give medical leave by the administration. While so, a transfer order was issued on 16.09.2015 transferring the petitioner from Chengalpet to Chennai, during the period of her absence and the same was affixed in the Door at her residence. Since she was on medical leave, she could not comply with the transfer order. Therefore, a charge memo was issued on 01.02.2016, for not joining in the transferred post. The petitioner approached this Court challenging the order of transfer dated 16.09.2015 and also the charge memo in WP.No.12953 of 2016. Initially, interim stay was granted and later on it was modified as status-quo. Eventually, the writ petition came to be dismissed on 31.08.2017. Thereafter, the petitioner filed W.A.No.1265 of 2017 and in the writ appeal, charge memo came to be quashed on 13.11.2017 and the writ petitioner has also joined in the transferred post. On 24.01.2018, the first respondent drew a panel for promotion to the post of Superintendent for the year 2017-2018 and though the petitioner was well within the zone of consideration, she was not included in the said panel for promotion on the ground that there is disciplinary proceedings pending against her.

3. At this, the petitioner sent a representation on 05.02.2018 to the first respondent seeking to include her name in the panel for promotion since disciplinary action had ended by quashing the charge memo by this Court. However, when there was no response on the representation of the petitioner, she has filed the present writ petition seeking for writ of mandamus.

4. Heard, Mr.P.Ganesan, learned counsel appearing for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader, appearing for the respondents.

5. The learned Special Government Pleader appearing for the respondents would submit that during the time when the panel was drawn for promotion, the petitioner was facing disciplinary proceedings and therefore, her name was not included in the panel for promotion. In any event, in view of the subsequent developments, the representation of the petitioner may be directed to be considered and appropriate orders would be passed by the first respondent, if directed by this Court within a stipulated period.



6. In view of the above narrative and also the submissions made on behalf of the learned Special Government Pleader, this Court without expressing any opinion on the merits of the claim made by the petitioner, directs the first respondent to dispose of the petitioner's representation dated 05.02.2018, in regard to her promotion to the post of Superintendent on the date when her juniors were promoted and pass orders in accordance with law and on merits by taking into consideration the quashment of charge memo issued against the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of, with the above direction. No costs.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary and
Commissioner of Treasuries & Accounts,
Nandanam, Chennai-600035.
2. The Treasury Officer, District Treasury,
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3. The Assistant Treasury Officer,
Chengalpattu, Kancheepuram District.
4. The Pay & Accounts Officer, (East),
Egmore, Chennai-600 008.

+1 cc to M/s.C.S.Associates, Advocate, S.R.No.51817

+1 cc to the Government Pleader, S.R.No.52837

W.P.No.14378 of 2018

SSD(CO)
SSM(02/08/2019)