



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.10175 of 2012

and

M.P. (MD) No.1 of 2012

P.Kannamani

... Petitioner

vs.

The District Collector
Trichy District, Trichy

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned notification bearing Rc.A2/8993/2012 dated 05.06.2012 passed by the respondent and quash the same in so far as it omits to include the name of the petitioner and consequently direct the respondent to include the name of the petitioner at the appropriate place in the list of Deputy Tahsildars for Trichirappalli District for the year 2011.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.K.Mu.Muthu

Additional Government Pleader

O R D E R

The order, dated 05.06.2012, issued by the respondent, in respect of the persons, who all are to be included in the approved list of Deputy Tahsildars for the year 2011, is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner joined as Typist in the Revenue Department and he was promoted to the post of Assistant in the year 2005. However, his name was not considered for further promotion to the post of Deputy Tahsildar on account of the fact that a charge memo was pending during the relevant point of time. The writ petitioner was suspended for a period of seven days and subsequently, an order of punishment was issued in proceedings dated 14.01.2011. The order of punishment stipulates that the period of suspension from 13.11.2009 to 19.11.2009 is treated as punishment. The writ petitioner preferred an appeal and the same was pending during the relevant point of time. In view of the fact that the order of punishment was issued, the case of the writ petitioner ought to have been considered for further promotion to the post of Deputy Tahsildar in the panel of the year 2011. However, the case of the writ petitioner was considered in the next year panel in the year 2012 and he was promoted to the post of Deputy Tahsildar.



3. The learned counsel for the writ petitioner further states that since the disciplinary proceedings ended with the order of punishment treating the period of suspension of seven days as punishment, on the crucial date there was no pendency of charge or currency of punishment. Thus, the case of the writ petitioner ought to have been considered for promotion in the panel of the year 2011. However, these aspects are to be verified by the respondent with reference to the service records of the writ petitioner and in accordance with the rules in force.

4. Under these circumstances, the writ petitioner is at liberty to submit a fresh representation to the respondent setting out all the facts and details as well as the relevant documents, within a period of four weeks from the date of receipt of a copy of this order and on receipt of any such representation from the writ petitioner, the respondent is directed to consider the same with reference to the service records of the writ petitioner and on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such representation from the writ petitioner.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector,
Trichy District, Trichy.

+1 CC to SPL GP (SR-79273[F] dated 01/08/2019)
+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-79353[F] dated
02/08/2019)

W.P. (MD) No.10175 of 2012
and
M.P. (MD) No.1 of 2012
31.07.2019

KRK

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