



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.4176 of 2013

and

M.P. (MD) No.1 of 2013

D.Ravindran

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Chennai-9.

2.The State of Tamil Nadu,
Rep. by its Public Secretary,
Secretariat, Chennai-9.

3.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Chennai-9.

4.The State of Tamil Nadu,
Rep. by its Joint Secretary,
Revenue Department,
Secretariat, Chennai.

5.The Special Commissioner,
and Commissioner for Revenue Administration,
Chepauk, Chennai-5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to promote the petitioner as District Revenue Officer w.e.f. the date on which the petitioner's immediate junior was promoted in the light of the order passed by this Honourable Court in W.P.No.17499 of 2010 and in W.A(MD) No.405 of 2012 within the period that may be stipulated by this Court.

For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents

: Mr.M.Jeyakumar
Additional Government Pleader

**ORDER**

The learned counsel appearing on behalf of the writ petitioner states that the relief sought for in the present writ petition is for a direction to the respondents to promote the writ petitioner on par with his immediate junior.

2.The promotion was denied to the writ petitioner on account of the fact that the charge memo was pending during the relevant point of time. It is brought to the notice that two of the said charges were pending against the petitioner, at the time when the name of the eligible persons were considered for promotion. However, the charges framed against the writ petitioner were subsequently dropped by the Government. He further states that writ petitioner was exonerated from all the allegations and therefore, his case is to be considered for promotion on par with his junior.

3.This Court is of the opinion that on initiation of departmental disciplinary proceedings and during pendency of the charges, an employee is not entitled for promotion. However, if the charges are dropped, then, the case of the employee is to be considered for retrospective promotion on par with his junior with reference to the rules in force.

4.In the present case on hand, the learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was completely exonerated from all the allegations. This being the factum, the respondents are directed to consider the case of the writ petitioner for grant of retrospective promotion on par with his junior, if he is otherwise eligible and qualified in accordance with the rules in force. The writ petitioner is directed to submit a representation in this regard to the competent authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents / competent authority is directed to consider the same and pass an order within a period of twelve weeks thereafter.

5.With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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To

1.The Chief Secretary,
State of Tamil Nadu,
Secretariat, Chennai-9.

2.The Public Secretary,
State of Tamil Nadu,
Secretariat, Chennai-9.

3.The Principal Secretary,
Revenue Department,
Secretariat, Chennai-9.

4.The Joint Secretary,
Revenue Department,
Secretariat, Chennai.

5.The Special Commissioner,
and Commissioner for Revenue Administration,
Chepauk, Chennai-5.

+1 CC to SPL GP SR-78468.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-78610.

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