

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.10341 of 2019**

K.Natarajan

... Petitioner

Vs.

1.The Commissioner of Labour,
Teynampet,
Chennai - 600 006.

2.The Assistant Commissioner of Labour (Enforcement),
No.66 J, Thondi Road,
Sivagangai, Sivagangai District.

3.The Stamping Inspector,
No.66 J, Thondi Road,
Sivagangai, Sivagangai District.

4.The Accountant General (A & E),
Anna Salai,
Teynampettai, Chennai - 600 018.

5.G.Palani

6.S.Mathivanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 07.12.2017 and promote the petitioner as Deputy Inspector of Labour with effect from 22.05.2012 and Labour Officer from 17.10.2016 on par with petitioner's juniors i.e., fifth and sixth respondents respectively and grant all the service, monetary and revised pensionary benefits within the time limit fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For RR 1 to 3 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 4 : Mr.P.Gunasekaran

**ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 07.12.2017 and promote him as Deputy Inspector of Labour with effect from 22.05.2012 and Labour Officer from 17.10.2016 on par with his juniors i.e., fifth and sixth respondents respectively and grant all the service, monetary and revised pensionary benefits within the time limit fixed by this Court.

2. Heard the learned counsel appearing for the petitioner; the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that during his service as Assistant Inspector of Labour in the Labour Department, he was placed under suspension by the proceedings of the first respondent, dated 22.10.2012 on certain allegations mentioned therein and the same has been taken on file in Special Case No.3 of 2014 and after trial, the learned Chief Judicial Magistrate, Theni, acquitted the petitioner. Subsequent to the same, the first respondent, by order, dated 19.10.2015 revoked the suspension of the petitioner and he rejoined duty on 29.10.2015.

4. The grievance of the petitioner is that though the departmental action initiated against him was dropped and the suspension period from 06.11.2012 to 28.10.2015 was treated as duty period and the promotions to the post of Deputy Inspector of Labour with effect from 22.05.2012 and Labour Officer with effect from 17.10.2016 were not considered so far, though the petitioner's juniors were given promotion. Due to the inaction on the part of the respondents, the petitioner sent several representations to the respondents. Since no action has been taken on the side of the respondents, the present Writ Petition has been filed.

5. The learned counsel appearing for the respondents submitted that the petitioner's representation would be considered on merits.

6. In view of the above submission, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 07.12.2017 seeking promotion as Deputy Inspector of Labour and Labour Officer, on the grounds raised by the petitioner in the said representation and pass appropriate orders on merits and in accordance with law, after due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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

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Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

ps

To

1.The Commissioner of Labour,
Teynampet,
Chennai - 600 006.

2.The Assistant Commissioner of Labour (Enforcement),
No.66 J, Thondi Road,
Sivagangai, Sivagangai District.

3.The Stamping Inspector,
No.66 J, Thondi Road,
Sivagangai, Sivagangai District.

4.The Accountant General (A & E),
Anna Salai,
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+1 CC to M/s.P.GUNASEKARAN, Advocate(SR-63005[F] dated 26/04/2019)
+1 CC to M/s.A.THIRUMURTHY, Advocate(SR-63135[F] dated 26/04/2019)
+1 CC to M/s.SPL GP (SR-63351[F]dated 27/04/2019)

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26.04.2019

ES/24.05.2019/3P/8C