



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.23935 of 2017

WEB COPY

G. Govindan

... Petitioner

Vs.

1. The Principal Secretary / The Commissioner,
Treasuries and Accounts Department,
Integrated Office Complex for Finance Department,
Veterinary Hospital Campus,
Nandanam, Chennai - 600 035.

2.The Treasury Officer,
District Treasury Office,
Tiruchirapalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to sanction notional promotion to the petitioner and directing the second respondent to pay Rs.22,23,102/- and all monetary benefits with 18% interest p.a arising out of notional promotion and Rs.2,000/- cash award for 25 years unblemished service and to return Rs.66/- recovered from his salary with 18% interest as claimed in the petitioner's representation dated 15.12.2016.

For Petitioner

: Mr.G.S. Asok Adhithyan

For Respondents

: Mr.C.M. Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

Seeking notional promotion including various other benefits, the petitioner has sent a representation dated 15.12.2016 to the respondents. As there is no response for the same, the petitioner is before this Court.

2. Upon notice, the learned Additional Government Pleader appearing for the respondents filed a counter affidavit, wherein at paragraph Nos.6 and 7 it is stated as follows:

"6. With regard to the averment made by the petitioner in paragraph 10 of the affidavit, it is submitted that the petitioner's promotion was not considered in view of the pendency of criminal case filed against him from 2002. In order to give promotion to the petitioner herein, the 2nd respondent herein viz., the Treasury Officer, Trichy has already



been requested by the 1st respondent herein viz., the Principal Secretary / Commissioner of Treasuries and Accounts, Chennai - 35, to send the necessary proposal to include the name of the petitioner in the panel of Superintendant / Sub Treasury Officer in the appropriate place.

7. With regard to the averment made by the petitioner in paragraph 11 of the affidavit, it is submitted that the averment of the petitioner is not correct. As he was awarded "CENSURE" in the departmental disciplinary proceedings in G.O(2D) .No.9 Finance (T & A-1) Department, dated 25.06.1998 and also another "CENSURE" in the Departmental disciplinary action initiated by the 2nd respondent herein viz., the Treasury Officer, Tiruchirapallin in proceedings RC.No.817/2003/B1 dated 09.01.2012, he is not eligible for the cash award of Rs.2,000/- for 25 years of unblemished service."

Hence, the respondents sought to dismiss this Writ Petition.

3. Such submission made by the respondents is refuted by the petitioner.

4. Irrespective of the submissions made by the parties, this Court, without going into the merits of the case, directs the first respondent to pass appropriate orders on the representation of the petitioner dated 15.12.2016, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Secretary / The Commissioner,
Treasuries and Accounts Department,
Integrated Office Complex for Finance Department,
Veterinary Hospital Campus,
Nandanam, Chennai - 600 035.



2.The Treasury Officer,
District Treasury Office,
Tiruchirapalli - 620 001.

+1cc to Mr.G.S.ASOK ADHITHYAN, Advocate, SR.No. 57652

+1cc to M/s.Special Government Pleader,SR.No. 57971

WEB COPY

WP (MD) No.23935 of 2017
28.03.2019

TRP

KK/SAR/14.05.2019/ 3P- 5C