

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.11668 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in issuing the impugned Proc.CCLA's Proc.Admn I (1)/ 272/ 2015 dated 17.03.2018 wherein rejected the petitioner claim for up-gradation as Superintendent Gr.I as highly illegal, arbitrary and also contrary to the Memo No.21825/ Ser.II(1)/ 2017-1 dated 29.12.2017 and rules issued in G.O.Ms.No.776 Revenue Department, dated 27.06.2006 and consequentially this Honorable Court may be pleased to declare that the petitioner herein is entitled for up gradation as Supdt. GR.I from 19.5.2014 as per the above Memo dated 29.12.2017 and rules issued in G.O.Ms.No.776 Revenue Department dated 27.06.2006 with all consequential benefits by setting aside the impugned Memo dated 17.03.2018.....”

Heard Si M.R.Tagore, learned counsel for the petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he is working as Superintendent and he is fully eligible for upgradation as Superintendent Grade-I with effect from 19.05.2014, but the respondents are not considering his case for upgradation on the ground that disciplinary proceedings are pending against him. The respondents have issued proceedings dated 17.03.2018, wherein the respondents have stated that two charge memos are pending against the petitioner and in respect of one charge memo, the disciplinary proceedings were dropped and in respect of other charge memo, the enquiry proceedings are pending.

Learned counsel for the petitioner contended that the Enquiry Officer has submitted an enquiry report on 14.03.2018, wherein the Enquiry Officer gave a finding that the charges levelled against the petitioner are not proved. But, so far, the disciplinary authority has not concluded the disciplinary proceedings said to have been initiated against the petitioner. Therefore, the impugned order is liable to be set aside and appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for upgradation as Superintendent Grade-I with all consequential benefits.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner could not be considered for upgradation as Superintendent Grade-I on the ground that disciplinary proceedings are pending against the petitioner. In respect of one charge memo, the disciplinary proceedings were dropped and in respect of other charge memo, the Enquiry Officer has submitted a report and the disciplinary authority would conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to conclude the disciplinary proceedings initiated against the petitioner within a period of four months from the date of receipt of a copy of this order. After conclusion of the disciplinary proceedings, if the petitioner is eligible for upgradation

as Superintendent Grade-I, his case has to be considered by the respondents in accordance with law.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

14-11-2019
Prv

