

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.37 of 2020

V.Kaliyamoorthy

... Petitioner

vs

- 1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai 600 009.
 - 2.The Commissioner,
Municipal Administration,
Office of the Commissioner of
Municipal Administration,
Chepauk,
Chennai 600 005.
 - 3.The Director,
Office of the Director of Municipal Administration,
Chepauk,
Chennai 600 05.
 - 4.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai 600 104.
 - 5.The Assistant Director of Town Panchayats,
Dindugul Zone,
Dindugul District.
 - 6.The Executive Officer,
Vathlakundu Municipality,
Dindigul District 624 202.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the representation dated 31.10.2017 of the petitioner in the light of the judgment

dated 08.10.2012 of the Special Court for Trial of Cases under the Prevention of Corruption Act, Trichy and consequently pass an order promoting the petitioner to the post of Block Development Officer.

For Petitioner : Mr.N.Nithianandam

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the second respondent to consider the representation made by the petitioner to consider the request made by the petitioner for promoting the petitioner to the post of Block Development Officer.

2. The case of the petitioner is that he was working as Junior Assistant in Thanthoni Grade III Municipality in the year 2007. A complaint was given against him before the Vigilance and Anti-Corruption Wing Office, on the ground that he had demanded money. An FIR came to be registered against the petitioner and he was also arrested and the money was seized. Departmental proceedings were initiated under Rule 17 (b) and the petitioner also gave his explanation denying the charges. An Enquiry Officer was appointed and he has also submitted his enquiry report.

3. In the meantime, by judgment dated 08.10.2012, the Special Court, Trichy had acquitted the accused persons and thereby the criminal case came to an end, in favour of the petitioner.

4. The petitioner was requesting the respondents to drop the departmental proceedings and due to the inaction on the part of the respondents, the petitioner is not being considered for promotion due to the pending charges. Therefore, the petitioner made representation to the second respondent on 31.10.2017 to drop the charges and to consider his promotion to the post of Block Development Officer. Since the representation did not evoke any response, the present Writ Petition has been filed seeking for appropriate directions.

5. Heard Mr.N.Nithianandam, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmugasundaram, Special Government Pleader, appearing on behalf of the respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this Writ Petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 31.10.2017 and pass appropriate orders, strictly in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation dated 31.10.2017 and a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner,
Municipal Administration,
Office of the Commissioner of
Municipal Administration,
Chepauk,
Chennai 600 005.
- 3.The Director,
Office of the Director of Municipal Administration,
Chepauk,
Chennai 600 05.
- 4.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai 600 104.

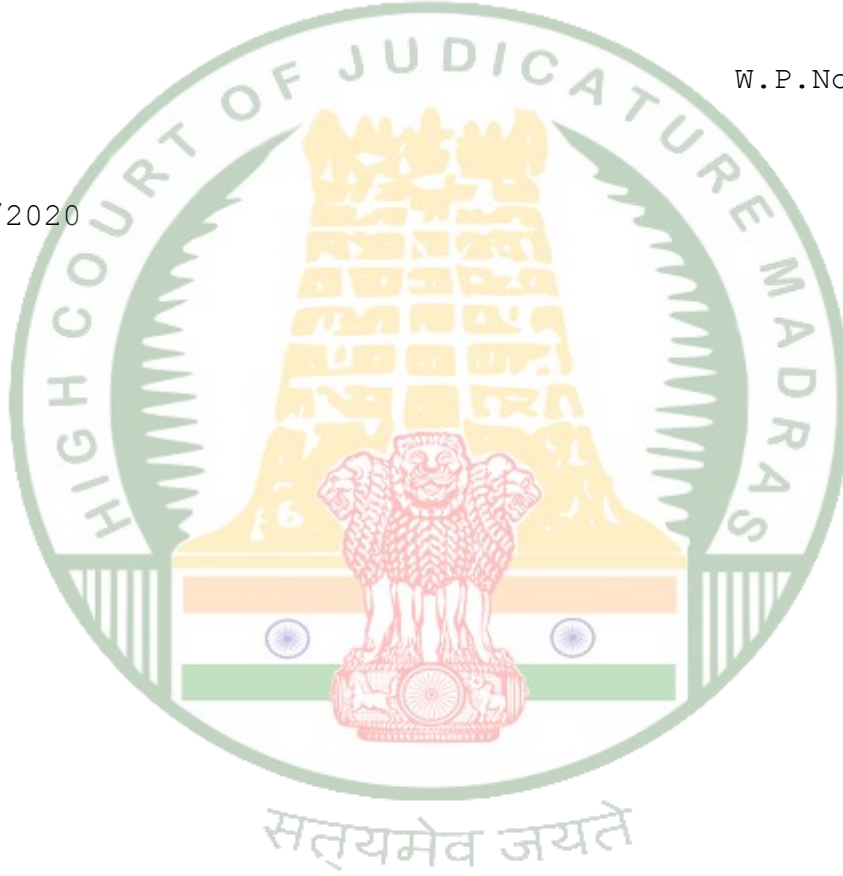
5.The Assistant Director of Town Panchayats,
Dindugul Zone,
Dindugul District.

6.The Executive Officer,
Vathlakundu Municipality,
Dindigul District 624 202.

+lcc to Mr.N.Nithianandam, Advocate Sr.924
+lcc to the Government pleader Sr.1329

W.P.No.37 of 2020

nr[co]
srg 13/02/2020



WEB COPY