

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10029 of 2013

M.Vijayarangadurai

..Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Hindu Religious and Charitable Endowments and
Information Department, Secretariat, Chennai-600 009.

2. The Commissioner,
Hindu Religious and Charitable Endowments and
Information Department,
Nungambakkam, Chennai-600 034.Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to include the name of petitioner in the appropriate place in the panel for promotion to the post of Deputy Commissioner HR & CE Department for the year 2003-2004 and consequently promote the petitioner to the said post as well as to the next higher post of Joint Commissioner HR&CE with retrospective effect from the date of promotion of his immediate juniors with all consequent service and monetary benefits.

For Petitioner :Mr.M.Ravi

For RR 1 & 2 :Mr.M.Karthikeyan

Special Government Pleader for HR&CE

ORDER

This writ petition has been filed by the petitioner seeking a direction to the first respondent to include the name of petitioner in the appropriate place in the panel for promotion to the post of Deputy Commissioner HR & CE Department for the year 2003-2004 and consequently promote the petitioner to the said post as well as to the next higher post of Joint Commissioner HR&CE with retrospective effect from the date of promotion of his immediate juniors with all consequent service and monetary benefits.

2. According to the writ petitioner, he was appointed as Assistant Commissioner in the Hindu Religious and Charitable Endowments Department [HR&CE], Dharmapuri, on 28.02.1996 by way of Public Service Commission. Thereafter, he was transferred to Mariamman Temple, Irukkankudi, Virudhunagar District as Assistant Commissioner/EO with effect from 07.04.1997. Subsequently, he was transferred to Assistant Commissioner's Office, Nagercoil on 05.09.1998. Thereafter, he was transferred to Icon Preservation Centre, Tiruvarur, Tanjore District with effect from 05.06.2000 and he is now serving as Assistant Commissioner/Verification Officer, Salem. He ought to have been empanelled for the post of Deputy Commissioner in the panel for the year 1999-2000 but unfortunately, his name was not included in view of disciplinary proceedings initiated against him by the second respondent herein vide proceedings No.45452/98/B6, dated 24.07.1998, vide proceedings No.59504/99/B/ dated 16.08.1999 and vide proceedings No.10218/2004/B, dated 16.03.2004 under Rule 17 (a)&(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thereafter, he preferred revision before the Government and the same is pending. However, the writ petitioner seeks to include his name in the promotional panel list for the year 2003 - 2004 to that extent. Thereafter, the writ petitioner made a representation on 25.06.2012 to the first respondent/Secretary to Government in view of no order has been passed in the writ petition. Hence, the writ petitioner has come forward with the present writ petition before this Court.

3. Mr.M.Karthikeyan, learned Special Government Pleader appearing for the respondents/HR&CE had fairly submitted that if any such representation being made by the writ petitioner and the same shall be considered in accordance with the Rules.

4. In view of the aforesaid submission made by the parties concerned, without going into the merits of the matter, this Court directs the first respondent to consider the petitioner's representation dated 25.06.2012 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible within a period of twelve weeks (12) from the date of receipt of a copy of this order. It is needless to say that the petitioner shall also furnish a copy of the representation along with the order copy to the second respondent.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Secretary to Government,
The State of Tamil Nadu,
Hindu Religious and Charitable Endowments and
Information Department, Secretariat, Chennai-600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments and
Information Department,
Nungambakkam, Chennai-600 034.

+1cc to Mr.M.Ravi, Advocate, S.R.No.3051

+1cc to the Government Pleader (HR & CE), S.R.No.2927

W.P.No.10029 of 2013

RSV(CO)
CS/21/07/2020



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