



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.12.2020
CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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W.P.No.15988 of 2014

K.Parasuraman

.. Petitioner

Vs.

1.The Director of Local Fund Audit,
Directorate of the Local Fund Audit,
Kuralagam, 4th floor,
Chennai - 600 108.

2.The Assistant Director of Local Fund Audit,
O/o The Assistant Director of Local Fund Audit,
Villupuram.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in Na.Ka.No.Pa & Ni I (2) / 4972/2014 dated 26.05.2014 on the file of the Director of Local Fund Audit/ first respondent herein and quash the same and consequently direct the first respondent to include the name of the petitioner in the promotion list for the post of Deputy Inspector for the year 2013-2014.

For Petitioner : Mr.A.Prakash

ORDER

Petitioner has come up with this writ petition to quash the order made in Na.Ka.No.Pa & Ni I (2) / 4972/2014 dated 26.05.2014 issued by the 1st respondent herein and consequently direct the 1st respondent to include the name of the petitioner in the promotion list for the post of Deputy Inspector for the year 2013-2014.

2. The case of the petitioner is that initially he joined as Assistant Inspector in the Local Fund Audit Office, Kancheepuram on 19.01.1990 and thereafter he joined the 2nd respondent office on 02.05.1993 by way of transfer. Whiles, in the year 2011,



charge memo was issued to him alleging that the audit report for the year 2008-2009 was submitted belatedly. Subsequently on conclusion of enquiry, punishment of Censure has been imposed on 07.06.2012. His promotional aspects has been relinquished in the year 2006 for the first time. It is his case that while finalising promotion list for the year 2012-2013, fixing the crucial date as 15.03.2012, his name was not considered due to charges under Rule 17(b) and further stated that the said list was released after a period of six years. That being so, the 1st respondent issued the impugned order on 26.05.2014, without considering his name for promotion. Hence, he filed this writ petition.

3. Learned counsel for the petitioner submits that the petitioner rendered 24 years of service without any promotion and thus the impugned order issued by the 1st respondent is arbitrary. He further submits that though minor punishment of Censure has been imposed on the petitioner on 07.06.2012, whereas the petitioner's name was not included in the promotion list for the year 2013-2014 drawing reference to the punishment suffered by the petitioner. Even in the earlier promotion panel for the year 2012-2013 also, his name was not considered mentioning the same punishment. Hence, the impugned order issued by the 1st respondent is liable to set aside and accordingly, prays before this Court for the same by allowing this writ petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is not in dispute that the petitioner has been imposed punishment of Censure on 07.06.2012. Admittedly, the crucial date for panel preparation is 15th March of every year. On perusal of the counter affidavit, it is seen that the date of punishment is prior to crucial date for the year 2013-2014. Due to currency of punishment, which though is minor in nature, the name of the petitioner was not considered for promotion to the post of Deputy Inspector for the year 2013-2014. For the earlier panel year, viz., 2012-2013, his name was not considered on account of pendency of charges. The punishment being in currency during the crucial date, the prayer of the petitioner for consideration of his name for being included in the panel cannot be entertained. The respondents have rightly not considered the name of the petitioner for inclusion in the panel and there is no violation of principles of natural justice and, therefore, no interference is warranted with the impugned order passed by the 1st respondent.



6. For the reasons aforesaid, this writ petition is dismissed. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS)

Sub Assistant Registrar

vsi2

To

1.The Director of Local Fund Audit,
Directorate of the Local Fund Audit,
Kuralagam, 4th floor,
Chennai - 600 108.

2.The Assistant Director of Local Fund Audit,
O/o The Assistant Director of Local Fund Audit,
Villupuram.

+1cc to Mr.A.Prakash , Advocate SR.No. 42142

+1 cc to Government Pleader Sr.No. 42632

W.P.No.15988 of 2014

A.SK(19.02.2021) .