

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 23.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.6615 of 2011 and

M.P.No.1 of 2011

M.Manonmani

... Petitioner

Vs.

The Director of Treasuries and Accounts

Saidapet, Chennai - 600 015.

... Respondent

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the claim of the petitioner for promotion as Assistant Treasury Officer, from the date on which her immediate junior was promoted as such with all consequential benefits.

For Petitioner : Mr.S.K.Rakhunathan

For Respondent : Mr.K.Magesh

Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to consider the claim of the petitioner for promotion as Assistant Treasury Officer, from the date on which her immediate junior was promoted as such with all consequential benefits.

2.The petitioner was working as Superintendent in the office of the District Treasury Officer, Uthagamandalam in the year 2007. During that time, there was a disciplinary proceeding initiated against him, pursuant to the charge memo dated 11.05.2010, which ended in the punishment by order dated 16.07.2010, whereby, the petitioner was inflicted with the punishment of withholding of increment for six months without cumulative effect.

3.Because of the disciplinary proceedings as well as the punishment, though the petitioner has become eligible to be considered for promotion to the next higher category, his promotion was not considered. Therefore, in that context, the petitioner, as against the order of punishment awarded against him dated 16.07.2010, preferred an appeal to the respondent on 01.01.2011 and the same since was not considered and decided by the respondent, who is the Appellate Authority, this writ petition was filed with the aforesaid prayer.

4.Mr.S.K.Rakhunathan, learned counsel appearing for the petitioner has reiterated the aforesaid facts and seeks indulgence of this Court to give a direction to decide the appeal filed by the petitioner within a time frame and depending upon the outcome to be made in the appeal, the plea of the petitioner to get promotion from the original date of due for getting such promotion to the higher category from Superintendent post can be directed to be considered.

5.Per contra, Mr.K.Magesh, learned Special Government Pleader appearing for the respondent would submit that, in view of the punishment that was suffered by the petitioner, he was not considered for promotion. However, against the said punishment, though he had given an appeal in January 2011, immediately he filed this writ petition in February 2011 and since all these years, this writ petition is pending before this Court, the said appeal is yet to be decided.

6.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7.In view of the aforesaid facts, where, as against the punishment awarded against him vide order dated 16.07.2010 of the Disciplinary Authority appeal was filed by him on 01.01.2011 and the said appeal is still pending before the respondent. Therefore, once the said appeal is decided by the respondent on merits and in accordance with law, the issue raised by the petitioner can be given a quietus.

8.In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

(i) That the respondent is hereby directed to consider the appeal filed by the petitioner dated 01.01.2011 and decide the same on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

(ii) It is needless to mention that, if the appeal is decided in favour of the petitioner, he shall be entitled to seek promotion from the due date, for which, the promotion become due for the petitioner. The petitioner is also directed to send a copy of the appeal dated 01.01.2011 along with the copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the needful, as indicated above, shall be undertaken by the respondent within the time frame, as stated above.

9.With these directions, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

The Director of Treasuries and Accounts
Saidapet, Chennai - 600 015.

+1 cc to Mr.S.K.Rakhunathan, Advocate, SR.No.11677
+1 cc to Government Pleader, SR.No.11269

W.P.No.6615 of 2011

PMK(CO)
NS(13/05/2021)