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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 12495 of 2021

V. Senthur Pandian

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Hindu Religious Charitable Endowment Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious Charitable Endowment Department,
119, Uthamar Gandhi Salai, Nungambakkam High Road,
Chennai - 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 07.05.2021 filed by the petitioner against the order of punishment bearing ref.se.mu.na.ka.No.35414/2020/L-1/dated 24.02.2021 preferred before the 1st respondent within a stipulated period.

For Petitioner : Mr.K. Krishnamoorthy

For RR 1 & 2 : Mr. C.Kathiravan

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the 1st respondent to dispose of the appeal dated 07.05.2021 filed by the petitioner against the order of punishment bearing ref.se.mu.na.ka.No.35414/2020/L-1/dated 24.02.2021 preferred before the 1st respondent within a stipulated period.

2. The case of the petitioner is that the petitioner was working as Executive Officer Gr-I in the second respondent department since 2015. He was empanelled for promotion to the post of Assistant Commissioner in the panel of the year 2019, wherein his position was Sl.No.16 in that panel. The panel was



not implemented due to the reason that a case relating to implementation of communal roster in the appointment by transfer was pending before the Supreme Court. Thereafter, the next panel is being prepared for the year 2020-2021 and the crucial date was 1st October 2020 for considering the eligible candidates for appointment by transfer as against 60% quota meant for such appointment in the cadre of Assistant Commissioner in the second respondent department. A month before the crucial date namely 1st October 2020, the petitioner was issued a charge memo dated 02.09.2020 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same resulted in imposing a minor punishment of stoppage of increment for 3 months without cumulative effect. Thereafter, the Enquiry Officer conducted enquiry on 30.11.2020 and submitted her enquiry report on 18.12.2020 holding that charge nos.1 and 2 are not proved, that charge no.3 is proved and that charge no.4 is partially proved. Based on the enquiry report, the 2nd respondent issued the order of punishment bearing reference No.se.mu.na.ka.No.35414/2020/L-1/dated 24.02.2021 imposing a punishment of stoppage of increment without cumulative effect for 3 months. The fact remains that as on the panel year 2020-21 on 1st October, 2020 there was no currency of punishment and the charge memo itself is to be construed as a minor one. Aggrieved against the order of punishment, the petitioner preferred a statutory appeal before the 1st respondent on 06.05.2021 and the same is pending. The petitioner is duly entitled to be considered for promotion on par with his immediate junior. Hence, the petitioner has come forward with the present writ petition before this Court.

3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for respondents 1&2 and perused the materials available on record.

4. Having regard to the limited scope of the prayer, this Court is inclined to pass the following order:-

The first respondent is directed to dispose of the appeal dated 07.05.2021 filed by the petitioner as against the order of punishment vide proceedings dated 24.02.2021 within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of . No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



To

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1. The Secretary,
Government of Tamil Nadu,
Hindu Religious Charitable Endowment Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious Charitable Endowment Department,
119, Uthamar Gandhi Salai, Nungambakkam High Road,
Chennai - 600 034.

+1cc to Mr.K.Krishnamoorthy, Advocate Sr.27828
+1cc to the Special Government pleader Sr.27905
+1cc to the Government Pleader Sr.27946

W.P.No. 12495 of 2021

ln[co]
srg 22/07/2021