



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD).No.1378 of 2020

W.M.P.(MD).Nos.1114 & 8770 of 2020

R.Mayilvaganan

... Petitioner

Vs.

1. The Secretary to Government
Home Department,
Fort St.George,
Chennai-600 009.

2. Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore,
Chennai-600 004.

3. Superintendent of Police,
Ariyalur District,
Ariyalur.

4. Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent pertaining to the impugned order in D.O.1242/2019, R.C.P2/32990/2019 dated 22.10.2019 and quash the same and consequently direct the respondents to post the petitioner as Junior Assistant strictly as per the orders of the second respondent dated 20.09.2019.

For Petitioner

: Mr.R.Sivakumar
for Mr.P.Sesubalanraja

For Respondents

: Mr.J.Ashok
Additional Government Pleader

O R D E R

This writ petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in D.O.1242/2019, R.C.P2/32990/2019 dated



22.10.2019 passed by the fourth respondent, quash the same and consequently direct the respondents to post the petitioner as Junior Assistant strictly as per the orders of the second respondent dated 20.09.2019.

2. The petitioner was originally appointed as Data Entry Operator and by order dated 22.10.2019, he was transferred to the office of the third respondent as Junior Assistant at Ariyalur. In the meantime, recovery proceedings was initiated against him by order dated 18.07.2019. Challenging the same, the petitioner has filed a writ petition in W.P.No.34778 of 2019 before the Principal Bench of this Court and the Court has also granted an order of interim stay. While so, by referring the Schedule-11, of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the impugned order came to be passed as follows:-

"In cases where recovery to make good the monetary loss caused to the Government is ordered against a member of service, his name shall not be considered for inclusion in the approved list during the period of such recovery, subject to a maximum period of 24 months from the date of issue of order irrespective of the fact whether it is recovered in full or not".

3. Admittedly, recovery proceedings has been initiated as against this petitioner and the petitioner has also challenged the same in the writ petition, which is still pending before the Principal Bench of this Court. Therefore, this writ petition is disposed of by reserving the rights of the petitioner to claim the post of Junior Assistant, if he succeeds in W.P.No.34778 of 2019. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

To

1. The Secretary to Government
Home Department,
Fort St.George,
Chennai-600 009.



2. Director General of Police,
Dr. Radha Krishnan Salai,
Mylapore,
Chennai-600 004.

3. Superintendent of Police,
Ariyalur District,
Ariyalur.

4. Superintendent of Police,
Thanjavur District,
Thanjavur.

+1 CC to M/s.SPL GP (SR-34972[F] dated 18/11/2021)

W.P. (MD) .No.1378 of 2020

17.11.2021

_RD(01.12.2021) 3P 6C