



W.P.(MD) No.7018 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.7018 of 2020

T.Radhakrishnan

... Petitioner

-VS-

1.The Additional Chief Secretary
Labour and Employment,
Secretariat, Chennai.

2.The Director,
Department of Employment and Training,
Guindy, Chennai

3.The Commissioner,
Employment and Training,
Tirunelveli.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to include the petitioner's name in the post of promotion for Deputy Director/Principal, Apprenticeship advisor/Deputy Director (Training) for the academic year 2018-2020.



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For Petitioner : Ms.M.Maria Vinola
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to include the petitioner's name in the promotion to the post of Deputy Director/Principal, Apprenticeship advisor/Deputy Director (Training) for the academic year 2018-2020.

2.The case of the petitioner is that he was appointed as Junior Training Officer in Government I.T.I., on 01.04.1985 in the respondent department and he was presently holding the post of Principal, Government ITI, Aruppukottai since 01.09.2018. While so, a charge memo under Section 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 has been issued to the petitioner stating that the petitioner allowed his subordinate to foreclose the HBA advance availed from the Government. Thereafter, the explanation was submitted by the petitioner and a punishment of censure has been awarded to him on 10.01.2019. On



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appeal to the first respondent, the punishment was confirmed. The punishment was imposed on 10.01.2019 and the period of punishment came to an end on 11.01.2020. His next avenue of promotion is to the post of Deputy Director/Principal, Apprenticeship advisor/Deputy Director training and a panel was also drawn. However, it was informed that the petitioner's name was not included in the said panel. Therefore, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that though the currency of punishment period is over, the case of the petitioner for promotion has not been considered and hence, a direction may be issued to the respondent.

4. Per contra, the learned Additional Government Pleader appearing for the respondent would submit that the petitioner while holding the post of Principal, had allowed his subordinate to foreclose the House building advance without prior approval and hence, the charge memo followed by the punishment, the petitioner's case was not considered.



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5. It is seen that on 10.01.2019 punishment imposed and the period over on 11.01.2020. However, the case of the petitioner has not been considered even after a lapse of three years and hence, the first respondent is directed to consider the petitioner's promotion and pass appropriate orders, if there are no other legal impediment. Accordingly, the writ petition is disposed of. No costs.

12.12.2022

Index : Yes/No

Internet : Yes

RR

To

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M.DHANDAPANI, J.

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