



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5109 of 2019
and
W.M.P.(MD) No.4074 of 2019

A.Surendran

... Petitioner

-vs-

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.

3.The Deputy Collector/Regional Manager,
Tamil Nadu Civil Supplies Corporation Building,
Madurai Region, Kuruvikaran Street,
Madurai-20, Madurai District.

... Respondents

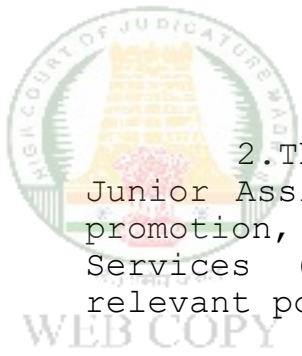
Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.E1/7877/2017, dated 12.01.2018 on the file of the Respondent No.3 and quash the same as illegal to the extent of deferring the petitioner from the panel for promotion to the post of Assistant for the year 2015 and consequently to direct the respondents to award promotion to the post of Assistant for the year 2015 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.R.Saravanan
for Mr.P.Seetharaman

O R D E R

The order impugned dated 12.01.2018 rejecting the claim of the writ petitioner for inclusion of his name in the panel of Junior Assistant fit for promotion to the post of Assistant is under challenge in the writ petition.



2.The order impugned reveals that the petitioner joined as Junior Assistant on 07.09.2012 and his name was not considered for promotion, as a charge memo under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was pending during the relevant point of time, when the panel was drawn.

3.The learned counsel for the petitioner drew the attention of this Court with reference to the service regulations applicable to the employees of the Tamil Nadu Civil Supplies Corporation, which is akin to that of the Government Service Rules. As per the Rules, pendency of charges framed under Rule 17(a) of the said Rules, need not be held against the officers irrespective of the seriousness of the delinquency. In this regard, the Government Order passed in G.O.Ms.No.248, P & AR(S) Department, dated 20.10.1997 was adopted by the Corporation and therefore, the petitioner is eligible for inclusion of his name in the panel of Junior Assistant fit for promotion to the post of Assistant.

4.In view of the fact that the order impugned and the reasons stated for non-consideration of the name of the petitioner in the approved panel are violative of the Service Regulations as applicable to the employees of the Corporation, this Court is inclined to consider the writ petition.

5.Accordingly, the impugned panel approved by the 3rd respondent in proceedings in Na.Ka.No.E1/7877/2017, dated 12.01.2018 is quashed, as far as the petitioner alone is concerned and the respondents are directed to consider the name of the writ petitioner for promotion to the post of Assistant, if he is otherwise qualified and eligible in accordance with the rules in force and with reference to the seniority. If the panel has already been acted upon, the case of the petitioner is to be considered for promotion on par with his juniors with all benefits.

6.With these directions, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

abr



To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.
- 2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai-600 010.
- 3.The Deputy Collector/Regional Manager,
Tamil Nadu Civil Supplies Corporation Building,
Madurai Region, Kuruvikaran Street,
Madurai-20, Madurai District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-7571[F] dated 21/02/2022)

+1 CC to M/s.S.LOUIS, Advocate (SR-7937[F] dated 22/02/2022)

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