



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.18651 of 2015

and

M.P.(MD)No.1 of 2015

Dr.R.Chandru Mohan

...Petitioner

VS

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St.George.
Chennai - 600 009.
2. The Commissioner of Animal Husbandry
and veterinary Services,
Central Office Building, Part-2,
Chennai - 600 006.
3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.
4. Dr.P.Devarajan, ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, to call for the records relating to the G.O.(D)No.82 Animal Husbandry, Diary and Fisheries (AH-1) Department, dated 20.02.2015 issued by the first respondent and quash the same and consequently, direct the respondents to include the name of the petitioner in the panel for promotion to the post of Deputy Director of Animal Husbandry as on 01.07.2012 (for the year 2012-2013) and promote the petitioner as Deputy Director of Animal Husbandry with effect from 24.05.2013 and further promote the petitioner as Joint Director of Animal Husbandry with effect from 26.02.2015 on par with his immediate junior, i.e., fourth and grant the service, monetary and pensionary benefits within a time limit to be fixed by this Court.



For Petitioner : A.Thirumurthy

For Respondents : Mr.N.Ramesh Arumugam for R1 & R2
Government Advocate (Civil side)

Mr.J.Anand Kumar for R3

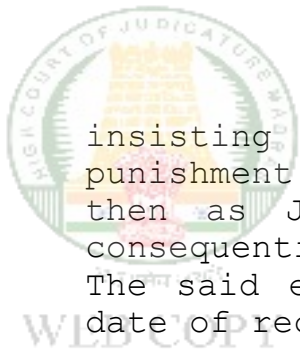
No appearance for R4

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the order passed in G.O.(D) No.82 Animal Husbandry, Diary and Fisheries (AH-1) Department, dated 20.02.2015 issued by the first respondent and quash the same and consequently, direct the respondents to include the name of the petitioner in the panel for promotion to the post of Deputy Director of Animal Husbandry as on 01.07.2012 (for the year 2012-2013) and promote the petitioner as Deputy Director of Animal Husbandry with effect from 24.05.2013 and further promote the petitioner as Joint Director of Animal Husbandry with effect from 26.02.2015 on par with his immediate junior, i.e., fourth and grant the service, monetary and pensionary benefits within a time limit to be fixed by this Court.

2. The petitioner was working as Assistant Director of Animal Husbandry. The petitioner was issued with Charge Memo under 17(b) for the delinquency that the petitioner has not implemented Sheep / Goat Scheme that was ended up in punishment, vide G.O.(D)No.220, dated 28.10.2013, wherein, the punishment of stoppage of increment for six months without cumulative effect was awarded. Because of this punishment, the petitioner was not able to get promotion. The grievance of the petitioner is that the petitioner has attained superannuation on 31.07.2015 and the petitioner was granted promotion as Deputy Director on 29.07.2015. If the petitioner was granted promotion after the punishment without considering the check period, as Deputy Director as early as 28.04.2014, the petitioner would be eligible for the next promotion as Joint Director. Therefore, the petitioner seeking promotion as Joint Director without consequential benefits. After perusing the entire records, it is seen that the petitioner has preferred a review application and the punishment is reduced for three months without cumulative effect. However, if the respondents have considered the punishment imposed on 28.10.2013, the petitioner would be eligible for the promotion from 28.04.2014 onwards.

3. Therefore, this Court deems it fit to direct the respondents to consider the case of the petitioner. The respondents without



insisting on the check period are directed to take the date of punishment and then grant promotion notionally as Deputy Director then as Joint Director. The respondents are directed to grant consequential monetary benefits and revise the pension accordingly. The said exercise shall be carried out within six weeks from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St.George.
Chennai - 600 009.
2. The Commissioner of Animal Husbandry
and veterinary Services,
Central Office Building, Part-2,
Chennai - 600 006.
3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

+1 CC to M/s.SPL.GP (SR-3342[F] dated 01/02/2022)
+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-3392[F] dated 01/02/2022)
+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-3208[F] dated 31/01/2022)

W.P (MD) No.18651wp(MD) 2015

31.01.2022

TP(CO)

TR(25.02.2022) 3P 7C