



W.P.No.23278 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23278 of 2012

P.Sundarakumar Pandian

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Secretary,
Tamil Development and
Religious Endowment Department,
Fort St.George,
Chennai 600 009

2.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai 600 034

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant notional promotion to the post of Assistant Commissioner w.e.f. January 1996 from the date of such promotion and refix my retirement and pensionary benefits in the promoted post and disburse the same with interest at the rate as provided under the Rules.

For Petitioner : Mr.R.Sanjay
for Mr.R.Rajesh Vivekananthan

For Respondents : Mr.Yashwanth,



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Additional Government Pleader
(HR&CE)

ORDER

This writ petition has been filed for direction to the respondents to grant the petitioner notional promotion to the post of Assistant Commissioner with effect from January 1996 and from the date of such promotion to refix his retirement and other pensionary benefits.

2. The petitioner had joined as Executive Officer Grade-III at Subramaniya Swamy Temple, Engan, Thiruvarur. Thereafter, he was promoted to the Post of Executive Officer Grade-I of Tiruchendur Murugan Temple and retired on 30.11.1999. When he was working at Coimbatore in the year 1996, a panel was prepared for the promotion to the post of Assistant Commissioner, in which the petitioner's name was also included. At that juncture, the petitioner was served with charge memo under Section 17(b) of Tamilnadu Civil Services (Discipline and Appeal) Rules. Therefore, he was not considered for promotion to the post of Assistant Commissioner. He was imposed with punishment of 6 months increment cut with cumulative effect by the proceedings dated



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06.09.1999. It was challenged by the petitioner and from all the charges, he was exonerated. Therefore, the petitioner, though retired from service on 30.11.1999, he submitted representation seeking notional promotion and other benefits.

3. In view of the above, the second respondent is directed to consider the request made by the petitioner in view of the order passed by this Court in WP.No.40637 of 2006 dated 06.04.2010, thereby exonerated the petitioner from all charges, to give notional promotion to the post of Assistant Commissioner with all monetary benefits within a period of twelve weeks from the date of receipt of copy of this Order, if he is otherwise entitled for the said promotion.

4. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

04.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary,
The State of Tamilnadu,
Tamil Development and
Religious Endowment Department,
Fort St.George,
Chennai 600 009
2. The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai 600 034
3. The Government Advocate,
High Court, Madras.

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