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Writ Petition No.23089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.23089 of 2023

N.K.Shanmugavadivel

... Petitioner

-Vs-

The Managing Director,
TCMPF Ltd.,
Nandam, Chennai – 600 035.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to promote the petitioner as Assistant General Manager (Finance) with effect from 26.03.2020 on par with his juniors, together with all consequential service and monetary benefits within a time frame.

For Petitioner	: Mr.G.Bala for M/s.G.Bala and Daisy
For Respondent	: Mr.V.Rajinikanth Standing Counsel



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ORDER

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2. It is the contention of the learned counsel for the petitioner that the crucial date for preparing the panel for the post of Assistant General Manager (Finance) is 01.04.2019. However, the petitioner was issued with a charge memo on 20.03.2020. Due to the said charge memo, the petitioner was not promoted, whereas the juniors to the petitioner were promoted. It is the further contention of the petitioner that the charge memo dated 20.03.2020 has been subsequently dropped on 09.04.2021. Thereafter, on 09.09.2022, another charge memo had been issued, which has also been dropped. Therefore, there is no bar for the respondent to consider the petitioner for promotion, as such, he seeks promotion on par with his juniors with effect from 26.03.2020.

3. The learned counsel for the respondent has produced the



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proceedings of the Managing Director of Tamil Nadu Co-operative Milk Producers' Federation Limited dated 20.09.2023, which would reveal that the charges against the petitioner have been dropped, hence the request of the petitioner would be placed before the Personnel Committee of the Tamil Nadu Co-operative Milk Producers' Federation Limited to consider him for promotion to the post of Assistant General Manager(Finance) on par with his juniors.

4. I have heard the submission of the learned counsel appearing for the parties and have also perused the materials placed before this Court.

5. As per the proceedings of the respondent dated 20.09.2023, it is made clear that the charges against the petitioner have been dropped, hence, the respondent is directed to consider the case of the petitioner to promote him to the post of Assistant General Manager(Finance) on par with his juniors by including his name in the panel for the year 2019.

N.SATHISH KUMAR, J.

mp



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6. In such view of the matter, the Personnel committee shall pass an order of promotion to the petitioner following procedures in accordance with law within a period of one month from the date of receipt of a copy of this order.

With these directions, this writ petition stands disposed of. No costs.

22.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

The Managing Director,
TCMPF Ltd.,
Nandam, Chennai – 600 035.

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