



W.P.(MD).No.20450 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20450 of 2023

R.Ganapathy Murugan

... Petitioner

Vs

1. The Principal Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Fort St.George,
Chennai 600 009.
2. The Secretary to Government,
Human Resources Management Department,
Fort St.George, Chennai 600 009.
3. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai 600 034.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the Approved list 2022-2023 and 2023-2024 for the promotion to post of Assistant Commissioner and promote him as Assistant Commissioner.



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For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to include the name of the petitioner in the Approved list 2022-2023 and 2023-2024 for the promotion to post of Assistant Commissioner and promote him as Assistant Commissioner

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as an Executive Officer – Grade I, vide proceedings of the third respondent, dated 13.04.2010. He joined service on 26.04.2010. As on date, he is working in Arulmighu Meenakshi Sundareswarar Temple, on Foreign Service.

(ii)While so, a charge memo, dated 08.07.2021 was served on him, with respect to certain irregularities alleged by the respondents. Based on the enquiry report submitted by the Enquiry Officer, the third respondent had imposed a punishment of censure, by proceedings, dated 26.07.2023.



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(iii)Against which, the petitioner has preferred an appeal and the same is pending before the first respondent.

(iv)It is brought to the notice of the petitioner that panel for promotion for Assistant Commissioner for 2022-2023 is due to be drawn, for which, crucial date is 01.10.2022. Since it is a settled principle of law that censure do not have currency, the petitioner is entitled to be included in the promotion panel, for which, he has made a representation before the respondents on 03.08.2023. However, the same was not considered. Hence, the writ petition came to be filed.

4.Heard, Mr.VR.Shanmuganathan, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents. Perused the materials on record.

5.Without going into merits of the case, this Court direct the respondents to consider the representation made by the petitioner on 03.08.2023, with respect to inclusion of his name in the approved list 2022-2023 and 2023-2024 for the promotion to the post of Assistant



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Commissioner, within a period of six weeks, from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

23.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

PNM

To

1. The Principal Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Fort St. George,
Chennai 600 009.
2. The Secretary to Government,
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L.VICTORIA GOWRI, J.

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ORDER IN
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