



W.P(MD)No.28336 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28336 of 2023

A.Elangovan

... Petitioner

Vs.

1.The Secretary to the Government,
Tourism and HR & CE Department,
St. George Fort,
Chennai-600 009.

2.The Secretary to Government,
Human Resources Management Department,
St. George Fort,
Chennai-600 009.

3.The Commissioner,
HR & CE 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 petitioner's name in the panel for the year 2022-2023 for promotion to the post of Assistant Commissioner from Executive Officer (Grade-1) based on the representation, dated 19.10.2023.



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For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The present writ petition has been filed by Executive Officer of Grade-I in the HR & CE Department seeking a Mandamus to include his name in the panel for promotion to the post of Assistant Commissioner.

2. The petitioner was issued with a charge memo on 22.02.2019 for the delinquency that was committed by the petitioner in July 2017. After due enquiry, final orders were passed on 03.03.2021 imposing punishment of stoppage of increment for a period of six months. Now, according to the petitioner, a panel is proposed to be prepared for being promoted to the post of Assistant Commissioner. The petitioner apprehends that his name may not be included in the said panel.

3. The learned Counsel appearing for the petitioner submits that the crucial date for preparation of the panel for the post of Assistant Commissioner is 01.10.2022. According to him, since the delinquency that was committed five



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years prior to the crucial date and the punishment is not subsisting on 01.10.2022, his name shall be considered. The petitioner relies upon Schedule XI Part A-II (13) of the Tamil Nadu Government Servants (Conditions of Service Act), 2016.

4. The petitioner has given a representation on 19.10.2023 seeking to include his name in the panel for promotion to the post of Assistant Commissioner. The first respondent herein is directed to consider the said representation in the light of the said Service Rules and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this writ petition stands disposed of.
There shall be no order as to costs.

30.11.2023

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



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R.VIJAYAKUMAR, J.

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