



W.P.No.36270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

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

W.P.No.36270 of 2023

R.Pandiyan

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director of School Education (Personnel),
Office of Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Ariyalur District,
Ariyalur.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the Respondents to pass orders granting promotion to the petitioner to the post of Assistant, Desk Superintendent and Regular Superintendent on par with his juniors in



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accordance with the proposal submitted by the fourth respondent in Na.Ka.No.4570/A1/2022 dated 16.06.2022 consequent to exoneration from the departmental charges as per the orders of fourth respondent in Na.Ka.No.3206/A1/2013 dated 02.05.2022, with all consequential and other attendant benefits including arrears of salary based on the representation submitted by the petitioner dated 28.10.2023 with a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to pass orders granting promotion to the petitioner to the post of Assistant, Desk Superintendent and Regular Superintendent on par with his juniors in accordance with the proposal submitted by the fourth respondent in Na.Ka.No.4570/A1/2022 dated 16.06.2022 consequent to exoneration from the departmental charges as per the orders of fourth respondent in Na.Ka.No.3206/A1/2013 dated 02.05.2022, with all consequential and other attendant benefits including arrears of salary based on the representation submitted by the petitioner dated 28.10.2023 with a time frame to be fixed by



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this Hon'ble Court.

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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as a Junior Assistant in the School Education Department on 02.03.1987. Subsequently, he was transferred to Nayaganaipiriyal Government High School, Udayarpalayam, on 12.08.1987. While being so, one Teacher viz., V.Rajagopal, who was working as a BT Assistant committed irregularities while preparing pay bills for teaching and non teaching staffs by submitting the enhanced bill to the Treasury. Accordingly, he had drawn excess amount over the period and misappropriated the same. During the special audit, it was found and a criminal case was registered against him in Crime No.127 of 2000. On the very same set of allegation, the petitioner was also placed under suspension and he was issued with a charge memo dated 29.05.2003, alleging that he had also involved in the financial irregularities committed by the said V.Rajagopal. Pending charge memo, he was not considered for the promotion to the post of Assistant. Based on the seniority and eligibility, the petitioner was included in the panel for



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promotion to the post of Assistant. However, he had temporarily relinquished from the post of Assistant for a period of three years from 1999 and became eligible to be promoted from the year 2002 onwards.

4. The said V.Rajagopal, died on 18.11.2014. Thereafter, the criminal case stands abated against him and the petitioner was shown as witness in the said criminal case. Based on the demise, the authorities concerned dropped the audit objections as per the proceedings dated 27.08.2018. Whereas, due to the non regularization of period of suspension from 21.05.2003 to 20.08.2003, the petitioner was not considered for the promotion and other benefits. Therefore, the petitioner filed a writ petition before this Court in W.P.No.34556 of 2018 and this Court directed the respondents to pass orders for regularization of period of his suspension. Subsequently, the respondents also dropped the charge memo by the proceedings dated 02.05.2022 and the petitioner was exonerated from the charges. Subsequently, the period of suspension was also regularized. Therefore, the petitioner is entitled for promotion with retrospective effect from the date of his immediate junior was promoted in accordance with the Rule 4 of the Tamil Nadu State Subordinate Service, presently Section 7 of the Tamil Nadu Government Service (Conditions of



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Service) Rules read with Schedule-II.

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5. Hence, the petitioner submitted a representation seeking promotion with retrospective effect. The fourth respondent has forwarded the proposal to the third respondent by its communication dated 16.06.2022 for granting promotion to the petitioner. However, the third respondent did not pass any orders so far.

6. Considering the above facts and circumstances of the case, the third respondent is directed to pass appropriate orders, in accordance with the proposal submitted by the fourth respondent in Na.Ka.No.4570/A1/2022 dated 16.06.2022, within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

mn

To

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