



WP(MD) No.10144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10144 of 2024

and

W.M.P(MD)No.9159 of 2024

Dr.S.John Ravikumar

... Petitioner

Vs.

1.The Government of Tamil Nadu

Rep by its Secretary,

Department of Animal Husbandry Dairying and Fisheries,

Secretariat,

Chennai - 600 009.

2.The Director,

Animal Husbandry and Veterinary Services,

No. 571, Anna Salai, Nandanam,

Chennai 600 035.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned G.O.(2D).No.17 Animal Husbandry Dairying and Fisheries (AH7) Department dated 02.09.2020, quash the same partially concerning para 7 of the said G.O. stating “PUNISHMENT WITHIN CHECK PERIOD” as a reason for non-inclusion of petitioner's name in the panel as illegal and further direct the respondents herein to place the petitioner's name in Sl.No.25(a) or 26 among names of the approved Veterinary Assistant Surgeon shown under para 8 of the said G.O., notionally promote the petitioner with effect from the date on which the other approved Veterinary Assistant Surgeons of the said G.O. Were promoted along with all the monetary benefits, attendant benefits and arrears admissible to the petitioner w.e.f the above said date.

For Petitioner : Mr.A.Mohamed Ashfalk

For Respondents : Mr.J.Ashok

Additional Government Pleader



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ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorarified Mandamus to call for the records relating to the impugned G.O.(2D).No.17 Animal Husbandry Dairying and Fisheries (AH7) Department dated 02.09.2020, quash the same partially concerning para 7 of the said G.O. stating “PUNISHMENT WITHIN CHECK PERIOD” as a reason for non-inclusion of petitioner's name in the panel as illegal and further direct the respondents herein to place the petitioner's name in Sl.No.25(a) or 26 among names of the approved Veterinary Assistant Surgeon shown under para 8 of the said G.O., notionally promote the petitioner with effect from the date on which the other approved Veterinary Assistant Surgeons of the said G.O., were promoted along with all the monetary benefits, attendant benefits and arrears admissible to the petitioner with effect from the above said date.



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2. Heard Mr.A.Mohamed Ashfalk, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

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

4. The learned counsel for the petitioner submitted that the petitioner suffered a punishment of “stoppage of increment for three months without cumulative effect” for the period from 1.10.2015 to 31.12.2015. So the petitioner submitted that the petitioner’s name is not included in the promotion panel for the year 2019 which is due on 01.07.2019.

5. However, for the similar relief, the petitioner has filed a Writ Petition in W.P(MD)No.9329 of 2021, in which, an order has been passed on 17.11.2022 as under :

“3. It is well settled that for five years



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subsequent to arising of the cause of action, the delinquent official will not be eligible for promotion. The check period expired on 14.07.2019. The crucial date for considering the petitioner for promotion is 1st July of every year. Therefore for the panel year of 2019, the petitioner could not have been considered. Since the check period was over by 14.07.2019, the petitioner became eligible for promotion on 01.07.2020.

4. The respondents are directed to include the petitioner in the panel for the year 2020-21. He shall be placed at the appropriate place in the seniority list. In this view of the matter, the impugned order is set aside and the writ petition stands allowed with the aforesaid direction. Necessary order will be passed by respondents 1 and 2 within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

6. So, the relief has been granted in the said writ



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petition filed by the petitioner that the petitioner is eligible for promotion on 01.07.2020 and his name would be included in the panel for the year 2021.

7. Since the petitioner has already got the relief, he is not entitled to file a writ petition for the same relief once again. Since there is only 14 days difference between the earlier panel and the present panel, I feel that the petitioner can be at liberty to give a fresh representation to the respondents to consider his case in liberal and sympathetic manner and to include him in the panel for the year 2019-2020 itself.

8. In view of the above, the petitioner is at liberty to give a fresh representation to the respondents to consider his case in liberal and sympathetic manner and to include him in the panel for the year 2019-2020 itself within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider and pass appropriate orders by using the



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discretion of the respondents in an objective manner within a period of four weeks thereafter.

9. The petitioner cannot consider this direction, as an entitlement to get a positive order by all means. In the event of any order passed by the respondents negating the request of the petitioner, the petitioner is not entitled to file any writ petition to challenge the said order.

10. With the above direction and observation, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2024

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

RM



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To

- 1.The Secretary,
Government of Tamil Nadu
Department of Animal Husbandry Dairying and Fisheries,
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Chennai - 600 009.
- 2.The Director,
Animal Husbandry and Veterinary Services,
No. 571, Anna Salai,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.10144 of 2024

25.04.2024