

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30315 of 2015

P.J.Pandian

... Petitioner

Vs.

- 1 State of Tamil Nadu rep by
The Secretary to Government Transport
Department Fort St George Chennai - 600 009
- 2 The Director
Institute of Road Transport Taramani
Chennai - 600 113 ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to promote the petitioner to post of Additional Director / Joint Director (Technical) without reference to the case in Crime No. 510/2014 dated 13.09.2014 on the file of the Inspector of Police E-1 Ponneri Police Station, Thiruvallur District U/s.465, 466, 468, 471 r/w 120 (b) IPC.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R
सत्यमेव जयते

By consent, the writ petition is taken up for final disposal.

2.The petitioner at present is employed as Senior Deputy Manager in the services of the second respondent and according to him, the post of Additional Director/ Joint Director (Technical) is vacant from 26.04.2003 and he is due to retire on account of the superannuation on 30.11.2015. It is further stated by the petitioner that at the instance of one Advocate namely, Thiru.P.K.Elavarasan, a false case in Crime No.510 of 2014 was registered by the Inspector of Police by the E-1 Police Station, Ponneri against the petitioner and his brothers for the alleged commission of offences under Section 465, 466, 468, 471 r/w 120(b) of IPC and the petitioner and his brothers and his relatives apprehending arrest, has filed a petition for anticipatory bail in CrI.O.P.No.30699 of 2014 before this Court

and this Court while disposing of the said CrI.O.P., has observed that the facts as it appear to be civil in nature and therefore enlarged them on anticipatory bail. The petitioner has also filed CrI.O.P.No.5979 of 2015 to quash the criminal prosecution and this Court has entertained the same and vide interim order made in M.P.No.1 of 2015 has stayed the criminal prosecution also.

3.According to the petitioner, mere registration of the case would not dis-entitle him to consider his name for promotion to the post of Additional Director/ Joint Director (Technical) and in this regard, has submitted representation dated 10.04.2015 followed by a Lawyer's notice dated 21.08.2015 and another representation dated 14.09.2015 to the respondents and since no orders have been passed, came forward to file this writ petition.

4.Mr.M.Gnanasekar, learned counsel appearing for the petitioner would submit that the complaint given by Thiru.P.K.Elavarasan against the petitioner and his brothers and relatives are nothing but false and concocted and this Court while enlarging them on anticipatory bail also made an observation that the matter in dispute appears to be civil in nature and CrI.O.P.No.5979 of 2015 filed by the petitioner and his brothers, has been entertained by this Court and it stayed all further proceedings in pursuant to the F.I.R. in Crime No.510 of 2014 registered by the E-1 Police Station, Ponneri and hence, there cannot be any impediment on the part of the respondents to consider his claim for promotion to the above said post and prays for appropriate orders.

5.This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 10.04.2015 followed by a Lawyer's notice dated 21.08.2015 issued on his behalf as well as his further representation dated 14.09.2015 on merits and in accordance with law and pass orders on or before 16.10.2015 and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

pri

To

1 The Secretary to Government, Transport
Department Fort St George Chennai - 600 009

2 The Director
Institute of Road Transport, Taramani
Chennai - 600 113.

+2 ccs to Mr.M.Gnanasekar, Advocate, sr.52328

W.P.No.30315 of 2015

tej co
kra 29/09



25.09.2015

WEB COPY