

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.8207 of 2015

R.Sivabalan

... Petitioner

vs.

1.The State of Tamil Nadu,  
Rep. by The Principal Secretary to  
Government of Tamilnadu,  
Finance Department,  
Fort St.George, Chennai -9.

2.The Director of Local Fund Audit Department,  
Local Fund Audit Office,  
Kuralagam, Chennai -108.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents herein to dispose of the representation dated 23.07.2014 in accordance with law.

For Petitioner : Mr.S.Yegna Narayanan

For Respondents : Mr.S.Gunasekaran  
Government Advocate

O R D E R

The petitioner was appointed as Assistant Inspector of Local Fund Audit in the year 1989. He was subsequently promoted as Deputy Inspector and thereafter as Inspector of Internal Audit. He is now working in the office of the Assistant Director of Internal Audit.

2. While so, a charge memo dated 18.11.2013 was issued by the proceedings of the Tribunal for Disciplinary Proceedings, Madurai, alleging that he had demanded and accepted a sum of Rs.60,000/- from Tmt.Tamilarasi, a newly appointed Office Assistant at the office of the Assistant Director of Audit, Sivagangai through her father so as to give that amount to Assistant Director of Audit, Sivagangai and to spend some money for superior officers.

3. When the said proceeding is pending, it is stated that a panel was prepared for promotion to the post of Assistant Director of Local Fund Audit from the cadre of Local Fund Audit Inspector (Internal Audit). According to the petitioner, his name was not considered for promotion. Hence, he made a representation, dated 23.07.2014 to consider his name for promotion to the post of Assistant Director of Local Fund Audit either on officiating or adhoc or temporary basis, pending proceedings before the Commissioner of Tribunal for Disciplinary Proceedings. Since the said representation is not considered, the petitioner has come up with this writ petition to dispose of the said representation.

4. Heard both sides.

5. The petitioner is facing a grave charge of demand and acceptance of bribe. During the pendency of such grave charge, the petitioner cannot seek to include his name in the panel for promotion to a higher post. Hence, I am of the view that the request of the petitioner cannot be granted.

6. The writ petition fails and the same is accordingly dismissed. No costs.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Principal Secretary to Government of Tamilnadu,  
The State of Tamil Nadu,  
Finance Department,  
Fort St.George, Chennai -9.

2.The Director of Local Fund Audit Department,  
Local Fund Audit Office,  
Kuralagam, Chennai -108.

+1cc to M/s.S.Yegna Narayanan, Advocate, S.R.No.20088  
+1cc to the Government Pleader, S.R.No.20425

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VSN(CO)  
CA(07/05/2015)