

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.8474 of 2016

S.P.Subramanian

.. Petitioner

vs

The State of Tamil Nadu,
rep. by Secretary to Government,
Highways Department,
Secretariat, Chennai 600 009.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to include the petitioner's name in the promotion panel of the year 2004 to 2005 in accordance with the orders of this Court in W.P. No.5568 of 2007 with consequential financial benefits.

For Petitioner : Mr.V.Krishnamoorthy

For Respondent : Mr.P.Chinnadurai
Government Advocate

O R D E R

The petitioner, S.P.Subramanian, has filed this petition, seeking a direction to the respondent to include his name in the promotion panel of the year 2004-2005, in accordance with the orders of this Court in W.P. No.5568 of 2007, with consequential financial benefits.

2.According to the petitioner, while he serving as Assistant Divisional Engineer at Dharmapuri, was suspended from service on the ground that he had committed fraud and mismanagement in Dharmapuri National Highways Division. With regard to the said false allegation, the Vigilance and Anti Corruption Department had registered a case against the petitioner for the offences under Sections 109, 120-B, 409, 420, 468 and 477-A of I.P.C. and subsequently a charge sheet has been laid before the Chief Judicial Magistrate, Krishnagiri in C.C. No.3 of 2003.

3.The grievance of the petitioner is that when similarly placed persons, who are also under suspension, were given

promotion, he was refused promotion on the ground that a charge sheet has been laid against him and a criminal case is pending against him.

4.This Court is not able to understand the grievance of the petitioner. When a criminal case has been foisted against the petitioner for the offences under Sections 109, 120-B, 409, 420, 468 and 477-A of I.P.C. and subsequently a charge sheet has been laid before the Chief Judicial Magistrate, Krishnagiri in C.C. No.3 of 2003 and he was also placed under suspension from service, the petitioner, without even asking the revocation of suspension order, asking for promotion to say the least is absurd. Hence, the writ petition cannot be entertained and the same is rejected, as the same is bereft of merits. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The State of Tamil Nadu,
rep. by Secretary to Government,
Highways Department,
Secretariat, Chennai 600 009.

+1 cc to Mr.V.Krishnamoorthy Advocate sr.15444/16

+1 cc to Government Pleader sr.15007/16

सत्यमेव जयते

W.P.No.8474 of 2016

aa18/04/2016

WEB COPY