

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No. 31152 of 2017

and

W.M.P.No.34196 of 2017

AM Asokan

... Petitioner

Vs.

1.The Principal Secretary to Government
Public Works Department
Fort St. George
Chennai - 600 009.

2.The Engineer-in-Chief
WRD and Chief Engineer PWD [General]
Chepauk, Chennai - 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent herein in Letter No.23922/A1/2017-5 dated 16.11.2017 and G.O.(D) No.392 Public Works (A1) Department dated 16.11.2017 and quash the same so far as non- inclusion of petitioner is concern and consequently direct the respondents to include and promote the petitioner to Superintendent Engineer for the year 2017-2018.

For Petitioner : Mr.G.Sankaran
For Ms.T.Dharani

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The petitioner has come to this Court seeking issuance of writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent herein in Letter No.23922/A1/2017-5 dated 16.11.2017 and G.O.(D) No.392 Public Works (A1) Department dated 16.11.2017 quash the same so far as non- inclusion of petitioner is concerned and consequently direct the respondents to include and promote the petitioner to Superintending Engineer for the year 2017-2018.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the respondents.

3.This Court has already given a direction in its earlier order dated 10.04.2017 in W.P.No.8046 of 2017 filed by the petitioner to consider his case along with others as shown in G.O. (D) No.92, Public Works (A1) Department, dated 31.03.2017, within a period of three weeks from the date of receipt of a copy of the order, on the ground that the Government had dropped all the charges against the petitioner in G.O.[D].No.67, Public Works [E1] Department dated 15.03.2017.

4.Pursuant to the order, the present impugned order has been passed on 16.11.2017 stating that the criminal case is pending against the petitioner and consideration of the petitioner for inclusion in the temporary list of Executive Engineers fit for promotion to the post of Superintending Engineer for the year 2017-18 approved in the G.O.[D] No.392/Per(A1) Dept/dt.16.11.2017 has been deferred till the relevant proceedings are concluded.

5.The said impugned order further states that after the said proceedings against the petitioner are disposed of, his name will be considered for inclusion in the said temporary list or otherwise, depending on the result of the criminal proceedings and the merits of his claim, as specified in Section 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

6.Assailing the impugned order, the counsel for the petitioner placing the order passed by this Court in Criminal O.P.No.23591 of 2017 on 27.11.2017 quashing the proceedings in C.C.No.1787 of 2013 on the file of the learned XIV Metropolitan Magistrate, Chennai, submitted that the only pending criminal case against the petitioner has also been closed. Hence, a further direction may be given to consider his case for inclusion of his name in the temporary list approved in the Government Order [D] No.392/Per[Al] Dept/dt.16.11.2017.

7. Learned Special Government Pleader submitted that the impugned order has been passed citing the reason that there was a criminal case pending. The respondent would ascertain whether any more case is pending against the petitioner and if no such case is pending or departmental proceedings are pending, they would do the needful.

8. Accordingly, this Court hereby directs the respondents to consider the petitioner's name for inclusion, since criminal proceedings in C.C.No.1787 of 2013 has been quashed by allowing Criminal O.P.No.23591 of 2017 by order dated 27.11.2017 and the petitioner is also retiring in the month of January, 2018,

within a period of two (2) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed off. No costs. Consequently, connected miscellaneous petition is closed.

may

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government
Public Works Department
Fort St. George
Chennai - 600 009.

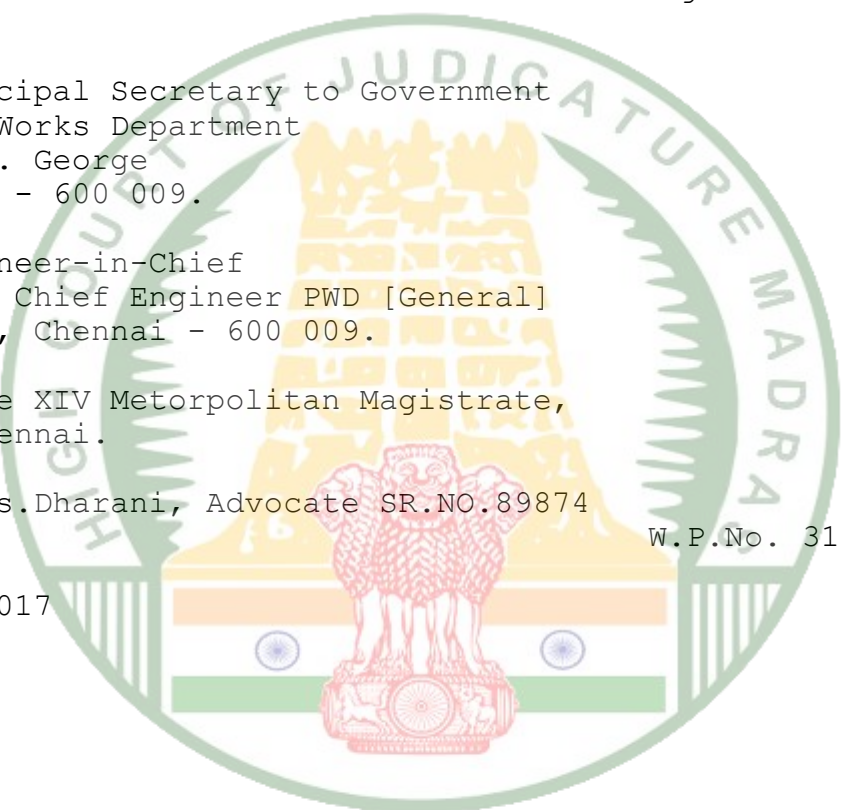
2.The Engineer-in-Chief
WRD and Chief Engineer PWD [General]
Chepauk, Chennai - 600 009.

Copy to:The XIV Metorpolitan Magistrate,
Chennai.

+1cc to M/s.Dharani, Advocate SR.NO.89874

W.P.No. 31152 of 2017

MG(CO)
sm:20.12.2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of horizontal stripes in orange, white, and green, with a red Ashoka Chakra in the center. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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