

In the High Court of Judicature at Madras

Dated : 08.12.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.21156 of 2011

N.Radhakrishnan,
Workshop Superintendent,
Regional Workshop,
Tamilnadu State Health Transport,
Trichy.

...Petitioner

Vs

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.

2.The Director,
Tamil Nadu State Health Transport Department,
Chennai-32.

...Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Automobile Engineer and dispose of the petitioner's representations dated 27.01.2011 and 12.07.2011.

For Petitioner : Mr.S.Ilamvaludhi

For RR1& R2 : Mr.K.Thangapandi
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to the respondents to promote the petitioner' as Automobile Engineer and dispose of the petitioner's representations dated 27.01.2011 and 12.07.2011.

2.The petitioner joined the Tamil Nadu State Health Transport Department as Assistant Engineer on 21.12.1982. The writ petitioner joined as Graduate Engineer and he is fully qualified for further promotion to the post of Automobile

Engineer. However, his case was not considered on account of the currency of punishment of "Censure" during the relevant point of time.

3.The learned counsel for the petitioner states that censure is only a minor punishment and therefore, the name of the petitioner ought to have been considered during the relevant point of time. However, the same was not considered by the department.

4.The learned counsel appearing on behalf of the respondents states that even at the time of filing the writ petition, the petitioner was aged about 54 years and now he would be about 61 years and therefore at this point of time his claim for promotion cannot be considered. During the relevant point of time, the petitioner was not considered for promotion on account of the currency of punishment of "Censure". Thus, there is no infirmity in not permitting the writ petitioner.

5.The learned counsel for the petitioner brought to the notice of the Court that subsequently, the writ petitioner was promoted up to the level of Director and retired from service on attaining the age of superannuation.

6.Under these circumstances, this Court is not inclined to consider any further claim of the writ petitioner, in respect of his promotion. Accordingly, the writ petition stands dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sjj/maya

To

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.

2.The Director,
Tamil Nadu State Health Transport Department,
Chennai-32.

+1cc to Mr.S.ILAMVALUDHI, Advocate, S.R.No. 87963

+1cc to the Government Pleader, S.R.No. 88118

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KAN(CO)

TR(05/01/2018)