

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27737 of 2012

G.Muniraju

... Petitioner

Vs

1. The Principal Secretary to Government,
Home (Transport) Department,
Fort St.Geroge, Chennai -9.

2. The Principal Secretary /
Transport Commissioner,
Chepauk, Chennai -5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promotion as Deputy Transport Commissioner without reference to the charge memo issued by the 2nd respondent in memo R No.40610/VA2/2008, dated 23.10.2008 and promote him as Deputy Transport Commissioner and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Thangapandi
Government Advocate

ORDER जयते

The relief sought for in this writ petition is for a direction to the respondents to consider the claim of the writ petitioner for promotion as Deputy Transport Commissioner without reference to the charge memo issued by the second respondent in memo R.No.40610/VA2/2008, dated 23.10.2008 and promote him as Deputy Transport Commissioner.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner has joined as Motor Vehicle Inspector, Grade-III in the year 1988 and thereafter, promoted as Grade II Motor Vehicle Inspector in the year 1994 and further promoted as Regional Transport Officer in the year 2007. The

next avenue of promotion to the petitioner is Deputy Transport Commissioner. The writ petitioner claims that he is fully qualified for promotion to the post of Deputy Transport Commissioner. However, a charge memo has been issued by the competent authority in the proceedings dated 23.10.2008. On account of the charge memo the promotional opportunity to the writ petitioner was denied.

3.This Court, is of the opinion that the pendency of a charge memo framed under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the pendency of the criminal case are certainly a bar for promotion. During the pendency of the charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, no promotion can be given and it has to be considered as demerit. Thus, the deferring the name of the petitioner for promotion to the post of Deputy Transport Commissioner, during the pendency of the charges is in order and there is no infirmity in the action of the respondents. The writ petitioner is at liberty to claim promotion only in the event of exoneration from the charges. Thus, the redressal of grievances in respect of the promotion can be undertaken only after the conclusion of the disciplinary proceedings in the writ petition.

4. In view of the above facts that no further adjudication on the merits raised in this writ petition is required. Accordingly, the writ petition stands dismissed. However, there shall no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Home (Transport) Department,
Fort St.Geroge, Chennai -9.
2. The Principal Secretary /
Transport Commissioner,
Chepauk, Chennai -5.

+lcc to Mr.M.Muthappan, Advocate, S.R.No.74148

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KGK(CO)
CA(22/11/2017)