

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2017

CORAM

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

W.P.No.36943 of 2016

S.Balasubramanian

... Petitioner

Vs

1.The Principal Secretary to Government,
Highways & Small Ports(HK-1) Dept
Fort St.George,
Chennai - 600 009.

2.The Chief Engineer(General)
(Now)
The Director General,
Highways Department,
Guindy,
Chennai - 600 025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for promotion as Assistant Divisional Engineer without reference to the pending disciplinary proceedings pending against him in charge Memo No.11174/Con.III/2000-43 dated 04.02.2008 and 11174/Con.III/2000-45 dated 10.07.2008 and promote him as Assistant Divisional Engineer and grant him all consequential service and monetary benefits and grant such other further relief.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the claim of the petitioner for promotion as Assistant Divisional Engineer, without reference to the pending Disciplinary Proceedings is a demerit so as to consider a Government employee for further promotion to the

higher cadre.

2.In this view of the matter and in view of the consideration of two writ petitions in W.P.No.36941 of 2016 and W.P.No.36942 of 2016, no further adjudication is required in this writ petition. It is needless to state that in the event of exoneration of the writ petitioner from the allegations, then it is left open to the authorities to consider the case of the writ petitioner for promotion to the higher category, in accordance with the Rules in force.

3.With these observations, the writ petition stands disposed of. However, there is no order to costs.

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Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Principal Secretary to Government,
Highways & Small Ports (HK-1) Dept
Fort St.George,
Chennai - 600 009.

2.The Chief Engineer (General)
(Now)
The Director General,
Highways Department,
Guindy,
Chennai - 600 025.

+1CC MR.M.MUTHAPPAN to Advocate SR.NO.68633

+1CC to the Govt Pleader SR.NO.69491

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MK:27/10/2017