

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3390 of 2018 and
W.M.P.No.4155 of 2018

K.Sarveswaran

...Petitioner

Versus

- 1.Union of India rep. by its
Chief Secretary to Government,
Chief Secretariat, Puducherry.
2. The Dean,
Mother Theresa Post Graduate and
Research Institute of Health Sciences,
Puducherry.
- 3.The Secretary to Government (Finance),
Chief Secretariat, Puducherry.
4. V.Sangeetha
5. S.Ilango
6. N.Avarkan Antony
7. S.Lalitha
8. A.Harikrishan
9. A.Aswin Asokan
- 10.J.Nandhini
- 11.H.Suresh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein not to process the proposal of promotion in respect of respondent No.4 to Respondent No.11.

For Petitioner	: Mr.P.Suresh
For Respondents	: Mr.B.Nambi Selvam,
1 to 3	Additional Government Pleader (Pondy)

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent herein not to process the proposal of promotion in respect of respondent No.4 to Respondent No.11.

2. Learned Counsel for the petitioner submitted that the 2nd respondent University, namely, Mother Theresa Post Graduate and Research Institute of Health Sciences, Puducherry is suffering from acute scarcity of funds and therefore, the 2nd respondent should not be permitted to promote anyone to the higher promotional posts which would cause additional financial burden to the institution and as such, if promotions are made that would cause huge problem not only to the Institute but also to the employees who are working already.

3. Heard the learned Additional Government Pleader (Pondicherry) appearing for the respondents 1 to 3.

4. On the face of the records, this Court is of the view that the Writ Petition is liable to be dismissed because when the petitioner is working as MTS in Mother Theresa Post Graduate and Research Institute of Health Sciences, the 2nd respondent Institute, it is not known how he can have the knowledge of the financial position of the said Institute. Moreover, he cannot come to this Court seeking Mandamus or Writ of Prohibition against the Institute in which he has been working. Therefore, finding no merit or justification whatsoever, the Writ Petition is dismissed. Though this Court thinks to impose heavy cost as fine to the petitioner, considering the fact that he is only a worker, restrained from doing so. No costs. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar(CCC)
//True Copy//

Sub Assistant Registrar

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To

1. Chief Secretary to Government,
Union of India, Chief Secretariat, Puducherry.
2. The Dean,
Mother Theresa Post Graduate and
Research Institute of Health Sciences, Puducherry.
3. The Secretary to Government (Finance),
Chief Secretariat, Puducherry.

+1 cc to Government Pleader (Pondy) sr 12395

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