

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1069 of 2018 and
WMP.No.1289 of 2018

K.Sarveswaran

...Petitioner

Versus

1. Union of India rep. by
the Chief Secretary to Government,
Chief Secretariat, Puducherry.
2. The Dean,
Mother Theresa Post Graduate and
Research Institute of Health Services,
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.Harikrishnan
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, quash the same and pass such orders for promotion to the respondents No.4 to 11.

For Petitioner : Mr.P.Suresh

For Respondents 1 to 3 : Mr.J.Kumaran,

G.A. (Pondy)

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent herein not to process the proposal, quash the same and pass such orders for promotion to the respondents No.4 to 11.

2. Learned Counsel for the petitioner submitted that the petitioner was appointed as M.T.S. in the 2nd respondent Research Institute through Employment Exchange in the year 2011 whereas the respondents 4 to 11 were appointed only in the year 2015 through back door entry. While so, now the 2nd respondent is taking steps to promote the private respondents 4 to 11. In this regard, they have also sent a proposal. Therefore, the learned Counsel for the petitioner prays that a direction be issued to the 2nd respondent not to proceed further with the proposal.

3. The learned Counsel for the petitioner further fairly admitted before this Court that since the proposal recommending the case of the private respondents 4 to 11 is not available with him, he is not able to file the same as part of this record.

4. Heard the learned Government Advocate (Pondicherry) who takes notice on behalf of the respondents 1 to 3.

5. When the learned Counsel for the petitioner admits that the alleged proposal recommending the case of the private respondents 4 to 11 for promotion is not available with the petitioner, it is not known how the petitioner can approach this Court seeking Mandamus, not to process the alleged proposal which is not in existence. Therefore, this Court finds it difficult to entertain the writ petition on mere surmises and conjectures.

6. In the result, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is also closed.

18.01.2018

Index:Yes/No
Internet:Yes/No
tsi

To

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

T.RAJA, J.
tsi



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