



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE **MR. JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.1410 of 2018

WEB COPY

A.Rajendran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(KUM) Ltd.,
Railway Station New Road,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation
(KUM) Ltd.,
Railway Station New Road,
Kumbakonam.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to give promotion to the petitioner as Superintendent on the basis of his representation dated 16.01.2015.

For Petitioner : Mr.N.Rahamadullah

For Respondents : Mr.D.Sivaraman

O R D E R

The petitioner is working as 'Special Grade Assistant' in the respondent Transport Corporation and he seeks promotion to the post of Superintendent. In this regard, he gave a representation on 16.01.2018. Since it was not considered, the present writ petition has been filed.

2.When the matter was taken up for disposal, the learned Standing counsel appearing for the respondent Corporation pointed out that the petitioner is facing a criminal prosecution in S.C.No.1 of 2009 on the file of the Chief Judicial Magistrate, Thanjavur. It is a case of job-racketing and there are as many as 58 accused and the petitioner's rank is A14.

3.Considering the pendency of the criminal case involving the official duties of the petitioner, this Court cannot give a Mandamus as sought for. Pendency of a criminal case would clearly be a bar for consideration of the case of promotion. Since no relief has been made out, this Court cannot grant any relief to the petitioner.



4.The petitioner pointed out that one Kalimuthu who was also implicated in the very same criminal case, has been granted promotion.

5.The learned standing counsel appearing for the respondent Corporation pointed out that the said Kalimuthu has turned a new leaf by becoming an approver. In any event, there cannot be a claim of equality in illegality. That apart, the said Kalimuthu is senior to the petitioner. Therefore, taking into all the circumstances, this Court has to necessarily reject this writ petition.

6.Accordingly, this writ petition stands dismissed. No costs.
Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

+1cc to Mr. D.Sivaraman, Advocate Sr.No.50051

+1cc to Mr. N.Rahamadullah, Advocate Sr.No.50447

SKN

VB/SV/MMS/SAR3/03/05/2018/2P/3C

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