



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1611 of 2018

S.Kumaraguru

...Petitioner

Vs.

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

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in ThaAaPoKa/Kum/Sattam/L2/321/2016, dated 10.05.2016, quash the same and direct the respondents to give increment reviews and promotion to the petitioner on the basis of his representation dated 28.12.2017.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.D.Sivaraman

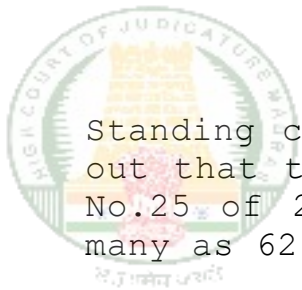
ORDER

Heard the learned counsel on either side.

2.The petitioner is working as 'Assistant' in the respondent Transport Corporation and he seeks increment and promotion to the post of Superintendent. However, the second respondent has rejected his claim by impugned proceedings dated 10.05.2016. Aggrieved by the same, the present Writ Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.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 Crime No.25 of 2003. It is a case of job-racketing and there are as many as 62 accused and the petitioner's rank is A38.

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

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

6. 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.

7. Accordingly, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 50520

tsg
AE/SV/SAR2/13.06.2018/2P/2C

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