



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
and
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.A (MD) No. 122 of 2016
and
C.M.P. (MD) No. 556 of 2016

The Director of Handloom and
Texiles,
Kuralagam,
Chennai - 600 108.

... Appellant/Respondent

Vs.

S. Sukumar

... Respondent/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 01.04.2015 made in W.P. (MD) No. 13443 of 2009.

Prayer in WP (MD). 13443/ 2009 :

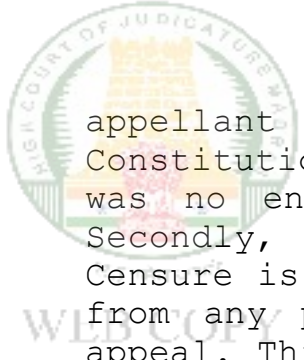
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI FIED MANDAMUS, calling records of the respondent relating to Na.Ka.3/2007-2 @ 1(1) dated 27-02-2009 and quash the same and consequently direct the respondent to promote the petitioner as Handloom Officer according to the petitioners seniority in the approved list of Handloom Officers for the year 2007-2008 published in Na.Ka.3/2007, @ 1(1) dated 27-01-2009 with all service and monetary benefits within a specified time frame that may be fixed by this Honourable Court.

For Appellant	: Mr. N. Shanmugaselvam
	Additional Government Pleader
For Respondent	: Mr. S. Visvalingam

JUDGMENT

(Judgment of this Court was delivered by M.M. SUNDRESH, J.)

This Writ Appeal has been filed against the order passed by the learned Single Judge who was pleased to allow the writ petition on the ground that the Government letter relied on by the



appellant does not have statutory provision under 309 of the Constitution of India. It appears that on the crucial date, there was no enquiry pending against the respondent/writ petitioner. Secondly, the charge memo is modified into punishment of censure. Censure is not punishment disentitle him to get promotion. Viewing from any perspective, we do not find any merit in this writ appeal. This is also for the reason that admittedly on the date of drawing the panel, the respondent/writ petitioner was not facing any charge memo.

2. In the result, this Writ Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.556 of 2016 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Director of Handloom and Texiles,
Kuralagam,
Chennai - 600 108.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 84484
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 85212

CM
TE/SKN/SAR-1 : 03/10/2018 : 2P/4C

W.A(MD)No.122 of 2016 and
C.M.P.(MD) No.556 of 2016
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