

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No. 23735 of 2004

A.Karunanidhi

..Petitioner

-Vs-

1. The Secretary to Government,
Public Works Department,
Chennai 9.
 2. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 5.
 3. The Executive Engineer,
Public Works Department,
Building Construction Division,
Trichy.
- ..Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to include the name of the petitioner in the panel for the year 1998-1999 published by the respondents in G.O.Ms.No.286, Public Works Department, dated 21.05.1999 and consequently, promote him to the post of Assistant Executive Engineer on par with his immediate junior, with all attendant benefits and arrears of pay.

For Petitioner : Mr.N.Om Praksh,
for Mr.M.Saravana Kumar

For Respondents : Mrs.K.Bhuvaneshwari, AGP

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O R D E R

Petitioner, aggrieved by the non inclusion of his name in the promotion panel for the post of Assistant Executive Engineer, filed the present Writ Petition.

2. It is seen that the disciplinary action initiated against the petitioner under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and punishment of recovery

of money, was imposed on 21.10.1992 and the recovery also commenced from the month of November 1992. It is during the pendency of the punishment, the petitioner has approached this Court, when his name came to be deferred in the panel for promotion. As such, the respondents cannot be found fault with for not including the petitioner's name in the promotion panel. Hence, I find no infirmity in not considering his candidature for promotion. As such, there are no merits in the Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
Public Works Department,
Chennai 9.
2. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 5.
3. The Executive Engineer,
Public Works Department,
Building Construction Division,
Trichy.

+1cc to Mr.R.Prem Narayanan, Advocate, S.R.No. 16724
+1cc to the Government Pleader, S.R.No. 17029

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SR(CO)
GN(02/04/2019)