

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DURAIWAMY
W.P.No.10379 of 2005

1. S.Sridharan
2. T.Gnanaguru ... Petitioners

v.

1. State of Tamil Nadu,
Rep. By the Secretary to Government,
Tamil Development, Culture and Religious
Endowment Department,
Secretariat, Chennai - 9.
2. Special Commissioner and Commissioner of
Hindu Religious & Charitable Endowments
(Administration) Department,
Chennai - 34.
3. Secretary,
Tamil Nadu Public Service Commission,
Chennai - 2.
4. M. Subramanian
5. E. Sundaram ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in G.O.Ms.No.20, Tamil Development, Culture and Religious Endowments Department, dated 04.02.2005 and quash the same in so far as the inclusion of the respondents 4 and 5 are concerned and direct the respondents to consider the petitioners in the place of the respondents 4 and 5 for promotion to the post of Assistant Commissioner.

For Petitioner : Mr.P. Ganesan
for Mr.S.Mani

For Respondents : Mr.M.Maharaja
Special Govt. Pleader - for R1 & R2
No Appearance - for R3 to R5

ORDER

The petitioners have filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in G.O.Ms.No.20, Tamil Development, Culture and Religious Endowments Department, dated 04.02.2005, to quash the same in so far as the inclusion of the respondents 4 and 5 are concerned and direct the respondents to consider the petitioners in the place of the respondents 4 and 5 for promotion to the post of Assistant Commissioner.

2. The learned counsel appearing for the petitioners submitted that in the counter filed by the respondents 1 and 2, in paragraph 10, they have stated that though the 5th respondent's name was considered in the Departmental Promotion Committee meeting held for the year 2001-02 held in December, 2003, his name was passed over due to currency of punishment and further they have stated that his name was considered in the Departmental Promotion Committee for the year 2002-03 held in January, 2005 and selected for promotion as Assistant Commissioner as per the guidelines issued in the Government letter dated 17.03.2004. Further, the learned counsel submitted that in view of the submission made by the learned counsel for the respondents 1 and 2 the Writ Petition may be closed recording the same.

3. In these circumstances, it is pertinent to extract the relevant portion in paragraph 10 of the counter filed by the respondents 1 and 2, which reads as follows:-

"10. ... Though the 5th respondent's name was considered in the Departmental Promotion Committee meeting held for the year 2001-02 held in December, 2003, his name was passed over due to currency of punishment. Subsequently, his name was considered in the Departmental Promotion Committee for the year 2002-03 held in January, 2005 and selected for promotion as Assistant Commissioner as per the guidelines issued in Government letter No.50543/2003-4, P & AR (S) Department, dated 17.03.2004."

4. In view of the submissions made by the learned counsel for the petitioner, recording the averments stated in paragraph 10 of the counter filed by the respondents 1 and 2, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Secretary to Government,
Tamil Development, Culture and Religious
Endowment Department,
Secretariat, Chennai - 9.
2. Special Commissioner and Commissioner of
Hindu Religious & Charitable Endowments
(Administration) Department,
Chennai - 34.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 2.

+1cc to M/S.C.S.ASSCOIATES , Advocate SR.No. 86681

+1 cc to Spl Government Pleader(HR&CE) Sr.No. 86596

W.P.No.10379 of 2005

A.SK(14/11/2019)

सत्यमेव जयते

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