

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29081 of 2005

S.P.Subramanian

... Petitioner

Vs.

State of Tamil Nadu, rep. by its
Secretary to Government,
Highways Department,
Secretariat, Chennai - 9.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent in Letter No.7416/HK1/2004-6, Highways Department, dated 11.08.2005 and quash the same and direct the respondent to include the name of the petitioner in the panel of the year 2003-2004 in the appropriate place and promote the petitioner as Superintending Engineer from the date on which his junior was promoted and confer all the consequential benefits.

For Petitioner : Mr.C.Vediappan
for Mr.S.Mani

For Respondent : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The relief sought for in the present writ petition is in relation to the claim of the writ petitioner for inclusion of his name in the panel of the year 2003-04 for promotion to the post of Superintending Engineer on par with his junior.

2.It is stated in the counter affidavit filed by the Additional Secretary to Government, Highways and Minor Ports Department that a criminal case was filed against the petitioner on 16.12.2002 before the learned Chief Judicial Magistrate and Special Judge, Krishnagiri, which is pending. In view of the pendency of the criminal case against the writ petitioner, the name of the writ petitioner was not considered for inclusion in the panel of the year 2003-04, 2004-05, 2005-06, 2006-07 and

2007-08. It is further stated that even at the time of filing of the counter affidavit, the writ petitioner was not allowed to retire from service with effect from 31.05.2008, which was the actual date of superannuation.

3. In view of the fact that a criminal case was registered against the writ petitioner during the appropriate time, the name of the petitioner was not considered for promotion to the post of Superintending Engineer. This being the factum, there is no infirmity as such in respect of the action taken by the respondent and the writ petitioner has not established any acceptable ground for the purpose of considering the relief sought for in the present writ petition. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cse

To

The Secretary to Government,
Highways Department,
Secretariat, Chennai - 9.

+1cc to the Government Pleader, S.R.No.2328

W.P.No.29081 of 2005

SSD(CO)
CS/11/02/2019

सत्यमेव जयते

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