

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.31850 OF 2019

M.Sivalingam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St George,
Chennai - 600 009

2. The Member / Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Egmore, Chennai-08

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Memo No.E2/11364/2019 dated 12.09.2019 by the second respondent herein and quash the same and consequently, direct the respondents to promote the petitioner for the post Executive Engineer.

For Petitioner : Mr.R.Rajiv Gandhi
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner filed this writ petition challenging the order dated 12.09.2019, wherein on the representation of the petitioner, the second respondent has informed that as criminal case filed against him is still pending in the trial court, and departmental proceedings are initiated against him, the request for promotion to the post of Executive Engineer cannot be considered.

3.Heard both sides.

4.Admittedly, a criminal case is pending against the petitioner and the petitioner is not entitled to claim for promotion. Therefore, I do not find any irregularity in the impugned order passed by the Authority. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to make representation to dispose of the criminal case as well as the departmental proceedings as early as possible. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St George,
Chennai - 600 009
2. The Member / Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Egmore, Chennai-08

+1cc to Mr.R.Rajiv Gandhi, Advocate, S.R.No.94158
+1cc to the Government Pleader, S.R.No.94625

W.P.No.31850 of 2019

PA(CO)
CS/19/12/2019

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