



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

**W.A. [MD]No.331 of 2012
Against WP (MD)No.11766 of 2009**

The Principal Chief Conservator
of Forests,
Panagal Maaligai
Chennai - 600 015.

: Appellant/Respondent

Vs.

V.Perumal

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 01.12.2009 passed in W.P(MD)No.11766 of 2009.

Prayer in WP(MD). 11766/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI MANDAMUS, calling for the records on the file of the Respondent herein in and by his Proceedings No.S-1/57304/08 dated 15-10-2009 and quash the same to the limited extent of non-selection of the Petitioner herein in the impugned panel and to consequently direct the Respondent herein to declare the Petitioner as selected and to include him in the impugned panel in the appropriate place and to promote him as Draughting Officer with retrospective effect from the date of promotion of his immediate juniors with all consequential service and monetary benefits.

For Appellant	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent	: Mr.M.Ravi

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]



2. The petitioner respondent came up before this Court contending that he was entitled for being promoted in spite of the nature of the punishment awarded to him. The writ petition was allowed on First of December 2009 relying on the judgment in the case of **Subramanian v. Government of Tamil Nadu** in **2008 (5) MLJ 350**. The said judgment has been overruled by the Full Bench in the case of the **Deputy Inspector General of Police and appellants v. B.Rani** reported in **2011 (3) CTC 1129**.

3. Learned counsel for the appellant contends that in view of the aforesaid fact, the reliance placed by the learned Single Judge on a judgment, which stands overruled subsequently, the impugned judgment deserves to be set aside. Apart from this, it is pointed out that at the time when the learned Single Judge delivered the judgment in 2009, the respondent petitioner was aged about 56 years. 10 years have passed by and the respondent petitioner, according to the appellant, was not granted promotion. Apart from that, we do not find the matter having been pursued by the respondent petitioner, even by filing a contempt for execution of the judgment of this Court.

4. In the above circumstances and in view of the Full Bench decision referred to hereinabove, the appeal is bound to succeed. But, we consign it to records in view of the aforesaid facts including the age of the respondent petitioner and non pursuing of the matter by the writ petitioner.

5. The Writ appeal is, accordingly, consigned to records. However there is no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal Chief Conservator of Forests,
Panagal Maaligai, Chennai - 600 015.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-105592[F] dated 18/12/2019)

JUDGMENT MADE IN
W.A. [MD]No.331 of 2012
16.12.2019

RR