



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) Nos.1117 of 2011

in

M.P. (MD) .No.1 of 2011

and

W.P. (MD) .No.8265 of 2012

in

M.P. (MD) .No.1 of 2012

P.Arokia Mary Saral

... Petitioner in both W.Ps

Vs.

The District Collector,
Ramanathapuram.

... Respondent in both W.Ps

PRAYER in W.P. (MD) .No.1117 of 2011: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent in his proceedings Na.Ka.No.V2/66955/2010 dated 25.11.2010 quash the same and consequently, direct the respondent to include the petitioner name in the panel for the post of Deputy Block Development Officer for the year 2010-2011 and promote to the said post from the date of promotion given to the immediate Junior of the petitioner with above service and grant the monetary benefits.

PRAYER in W.P. (MD) .No.8265 of 2012: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.V2/15190/2011 dated 17.05.2012 quash the same and consequently, direct the respondent to promote the petitioner from the date in which the immediate Juniors were promoted with all monetary and service benefits.

For Petitioner	: Mr.M.Ajmalkhan
in both cases	Senior Counsel for
	Mr.J.Anandkumar
For Respondent	: Mr.K.Mu.Muthu
in both cases	Additional Government Pleader

COMMON ORDER

The order dated 25.11.2010, is under challenge in the present



2.The impugned order states that the name of the writ petitioner was not considered for further promotion on account of the fact that the petitioner was facing the currency of punishment.

3.The learned Additional Government Pleader appearing on behalf of the respondent made a submission that during the pendency of the writ petition and after the expiry of the currency period, the case of the writ petitioner was considered and she was promoted to the higher post.

4.In view of the fact that the writ petitioner was already promoted, after the expiry of the currency period, no further adjudication needs to be entertained in respect of the other grounds raised. In respect of other grievances for retrospective promotion or otherwise, it is left open to the writ petitioner to approach the competent authority to work out his remedy in the manner known to law.

5.The Learned Senior Counsel appearing on behalf of the writ petitioner states that the amendment petition is filed to challenge the order of punishment. However, this Court is of the considered opinion that the present writ petition is filed for a direction to include the name of the writ petitioner in the panel for promotion. The order of punishment is entirely different cause of action and by way of an amendment, the writ petition cannot be kept pending for years together. This apart, the order of punishment provides separate cause of action for the writ petitioner and in a writ petition filed for the purpose of seeking promotion cannot be kept pending for the purpose of amending the prayer, so as to quash the order of punishment.

6.This being the factum, it is for the writ petitioner to challenge the punishment in the manner known to law.

7.With the above observation, these Writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The District Collector, Ramanathapuram.

+2CC TO MR.J.ANANDKUMAR, Advocate Sr. No.80118 & 80114
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.79953

W.P. (MD) Nos.1117 of 2011 and 8265 of 2012 and etc.,
M.P. (MD) .No.1 of 2011
in
W.P. (MD) .No.1117 of 2011
and
M.P. (MD) .No.1 of 2012
in
W.P. (MD) .No.8265 of 2012
05.08.2019

SRK (CO)

TR (27.08.2019) 3P 5C