



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P[MD]No.15010 of 2014
and
M.P.[MD]Nos.1 & 2 of 2014

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... Petitioner

Vs.

1.The Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Chennai.

2.The Commissioner of Adi Dravidar
Welfare Department,
Office of the Commissioner of
Adi Dravidar & Welfare Department,
Chepauk, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Letter No.3299/ADW1/2012-19 dated 23.05.2014 and quash the same and consequently direct the first respondent to include the petitioner's name in the panel for Adi Dravidar and Tribal Welfare Officer for the year 2011-2012.

For Petitioner	: Mr.K.Seemaraj
For Respondents	: Mr.M.Jeyakumar Additional Government Pleader

O R D E R

The impugned order dated 23.05.2014, deferring the name of the writ petitioner for the post of District Adi Dravidar Welfare Officer is under challenge in the present writ petition.

2.The writ petitioner was appointed as a Junior Assistant and was subsequently promoted to the post of Assistant. The case of the writ petitioner was not considered for promotion to the post of District Adi Dravidar Welfare Officer on account of the fact that the criminal case was pending against the writ petitioner in C.C.No.8/2011. The impugned order dated 23.05.2014 states that the case of the writ petitioner was not considered for promotion on account of the fact that a criminal case registered against the petitioner was pending.



3.As per the consolidated instructions issued by the Government of Tamil Nadu with reference to the promotion guidelines, pendency of the criminal case is a bar for promotion. During the pendency of the criminal case, the Government servant cannot be considered for promotion to the higher post. After the disposal of the criminal case, his case is to be considered with reference to the rules in force. Accordingly, the case of the writ petitioner is to be considered after the disposal of the criminal case.

4.The learned Additional Government Pleader brought to the notice of this Court that the writ petitioner has already attained the age of superannuation and retired from service. This being the fact, this Court is of the opinion that the impugned order passed by the respondent in proceedings dated 23.05.2014 is in consonance with the guidelines / instructions issued by the Government and accordingly, there is no infirmity. Thus, the writ petition is devoid of merits.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Chennai.

2.The Commissioner of Adi Dravidar Welfare Department,
Office of the Commissioner of
Adi Dravidar & Welfare Department,
Chepauk, Chennai.

+1. C.C. to Mr.K.SEEMARAJ Advocate SR.No.81575

+1. C.C. to SPECIAL GOVERNMENT PLEADER Advocate SR.No.81817

W.P[MD]No.15010 of 2014

13.08.2019

MR

TK/15.10.2019/2P/5C