



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.07.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P(MD)No. 3300 of 2014

N. Bashyam ... Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department and Chairman of State
Transport undertakings,
Transport Department, Fort Saint George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Deputy Manager on par with petitioner's Junior Thiru.Muthu Krishnan who was promoted as Deputy Manager with effect from 27.09.2010 and to pay the arrears of salary and consequential benefits.

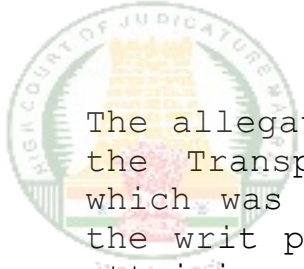
For Petitioner	: Mr. C. Thangamani
For Respondent-1	: Mr.C. Ramanar Additional Government Pleader
For Respondent-2	: Mr.D. Sivakumar

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to promote the petitioner to the post of Deputy Manager on par with petitioner's Junior Thiru.Muthu Krishnan who was promoted as Deputy Manager with effect from 27.09.2010.

2. Though the junior was promoted during the year 2010 the writ petition itself was filed after lapse of four years in the year 2014. This apart, the present writ petition is filed by the writ petitioner after attaining the age of superannuation and after a lapse of many years.

3. The learned Additional Government Pleader appearing for the respondent states that during the relevant point of time when the panel for promotion to the post of Deputy Manager was prepared, the writ petitioner was facing a criminal case.



The allegation was in relation to the misappropriation of funds of the Transport Corporation. In respect of the criminal case, which was pending during the relevant point of time the case of the writ petitioner was not considered for promotion. Now, after attaining the age of superannuation and at the age of 59 years the writ petitioner claims that he is entitled for promotion on par with his junior. The very claim set out by the writ petitioner is impermissible, in view of the fact that during the relevant point of time when the panel was prepared, the writ petitioner was facing a criminal case and the writ petitioner was subsequently acquitted by the competent criminal Court of law. By that time, the writ petitioner was attaining the age of superannuation and retired from service, his junior was considered during the relevant point of time when the panel was prepared. This apart, mere acquittal from the criminal case alone is not a ground for grant of promotion and other criteria. During the relevant point of time when the panel was prepared all these aspects are to be considered. In view of the attaining the age of superannuation and retired from service, now the case was not considered for retrospective promotion on par with his junior as he is not in service as of now.

4. With the above observation, the writ petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

ksa/am

To

1. The Principal Secretary to Government,
Transport Department and Chairman of State
Transport undertakings,
Transport Department, Fort Saint George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam

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