

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.29247 of 2007

V.Shanmugam

Accountant, Sub Treasury Office,
Nilakottai, Dindigul District.

... Petitioner

Vs.

The Special Commissioner and Commissioner
of Treasuries and Accounts,
Chennai - 600015.

.... Respondent

Prayer : Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the respondent in Pro.Pdl.No.182/05/N1 dated 09.12.2005, insofar as it relates to non-inclusion of the name of the petitioner therein and Pro.Rc.No.2026/06/N1 dated 14.07.2006 as such and quash the same and issue consequential directions to the respondents to include the name of the petitioner in the panel for the year 2005-2006 approved by the second respondent in Pro.Rc.Pdl.No.182/05/N1 dated 09.12.2005 and to promote him with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

For Petitioner : No appearance

For Respondent : Mr.P.Chinnadurai

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceeding of the respondent in Pro.Pdl.No.182/05/N1 dated 09.12.2005, quash the same and consequently, to direct the respondent to include the name of the petitioner in the panel for the year 2005-2006 approved by the second respondent in Pro.Rc.Pdl.No.182/05/N1 dated 09.12.2005 and to promote the petitioner with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

2. The learned Additional Government Pleader appearing for the respondent would submit that the petitioner filed this writ

petition seeking to direct the respondent to include his name in the panel for the year 2005-2006. During the pendency of the writ petition, the disciplinary action was taken against the petitioner and he was awarded with a punishment of "Censure" in the respondent's proceedings No.68772/02/Q3-5, dated 22.08.2005. As the punishment was in currency at the time of consideration of his name in the panel for the year 2005-2006, his name was considered in the panel for Superintendent/Sub Treasury Officer/Additional Sub Treasury Officer for the year 2008-2009 taking into account the date of joining as Accountant i.e., on 20.11.1997. Subsequently, the petitioner got retired on attaining superannuation. Therefore, nothing survives in this writ petition to be adjudicated upon further. He has also produced a copy of the proceedings in R.C.No.42486/J1/2007 dated 03.12.2020 before this Court.

3. Recording the submission made by the learned Additional Government Pleader that nothing survives in this writ petition for any further adjudication, since the petitioner was awarded a punishment of 'Censure' and his name could not be considered in the panel for the year 2005-2006 and subsequently, after the punishment period, his name was considered in the panel for the year 2008-2009. Therefore, the petitioner is not entitled for the relief sought for in this writ petition. Accordingly, this Writ Petition stands dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sni

To
The Special Commissioner and Commissioner
of Treasuries and Accounts,
Chennai - 600015.

+1cc to The Government Pleader, S.R.No.41688

W.P.No.29247 of 2007

UM(CO)
NRA(19/02/2021)