

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 9416 of 2006
and W.M.P.No.10431 of 2006

R.Mohandoss

...Petitioner

Versus

1.The State of Tamil Nadu
represented by its Deputy Secretary to Government,
Rural Development Department,
Fort St.George, Chennai-600 009.

2.The Director of Rural Development,
Saidapet, Chennai-600 015.

3.The Chief Engineer (General Highways),
Chennai-600 005.

4.The District Collector,
Coimbatore.

....Respondents

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 entire records, leading to the issue of proceedings bearing No.7830/E3(2)/2000-47 dated 08.09.2005 on the file of the 1st respondent and quash the same and direct the respondents 1 to 3 to consider the claim of the petitioner for promotion from the post of Union Overseer to the post of Assistant Engineer in the Rural Development Department as per the panel of AE/JE approved in September 2002 or subsequently thereof and place him above his immediate juniors in the feeder category with backwages and all addendant benefits.

For Petitioner : No appearance

For R1 : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent dated 08.09.2005 issued in

bearing No.7830/E3(2)/2000-47 and seeks to quash the same and also direct the respondents 1 to 3 to consider the claim of the petitioner for promotion from the post of Union Overseer to the post of Assistant Engineer in the Rural Development Department as per the panel of AE/JE approved in September 2002 or subsequently thereof and place him above his immediate juniors in the feeder category with back wages and all attendant benefits.

2. When the matter was taken up today, none appeared on behalf of the petitioner.

3. The learned Additional Government Pleader would submit that the petitioner was working as Assistant Engineer. While in service, he was involved in the criminal case, however, got acquittal from the case. During the pendency of the criminal case, he was suspended from the service under the proceedings initiated by the department and his promotion was not considered and he was not in the panel in year 2001. Therefore, he filed the present writ petition in W.P.No.9416 of 2006 and W.P.MP.No.10431/2006. Against the acquittal order, the DV&AC has filed Appeal before this Court in Crl.A.No.1624 of 2002 and during the pendency of the Appeal, he has got order in W.P.MP.No.10431 of 2006 in W.P.No.9416 of 2006 dated 13.09.2006. Pursuant to which, he has been considered for the promotion and temporarily he was promoted. Subsequently Writ Appeal was dismissed on 04.11.2009 and he had retired from the service and already eligible benefits have been extended temporarily based on the direction of this Court in W.P.MP.No.10431 of 2006 dated 13.09.2006. Based on the dismissal of the Writ Appeal, he was promoted and all the allegations were not proved and hence, he has been extended with all the benefits and he was also retired from the service. Therefore, nothing survives in the Writ Petition and the same may be dismissed as Infructuous.

4. Considering the submission made by the learned Additional Government Pleader, nothing survives for further adjudication in this Writ Petition. Accordingly, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar

True Copy

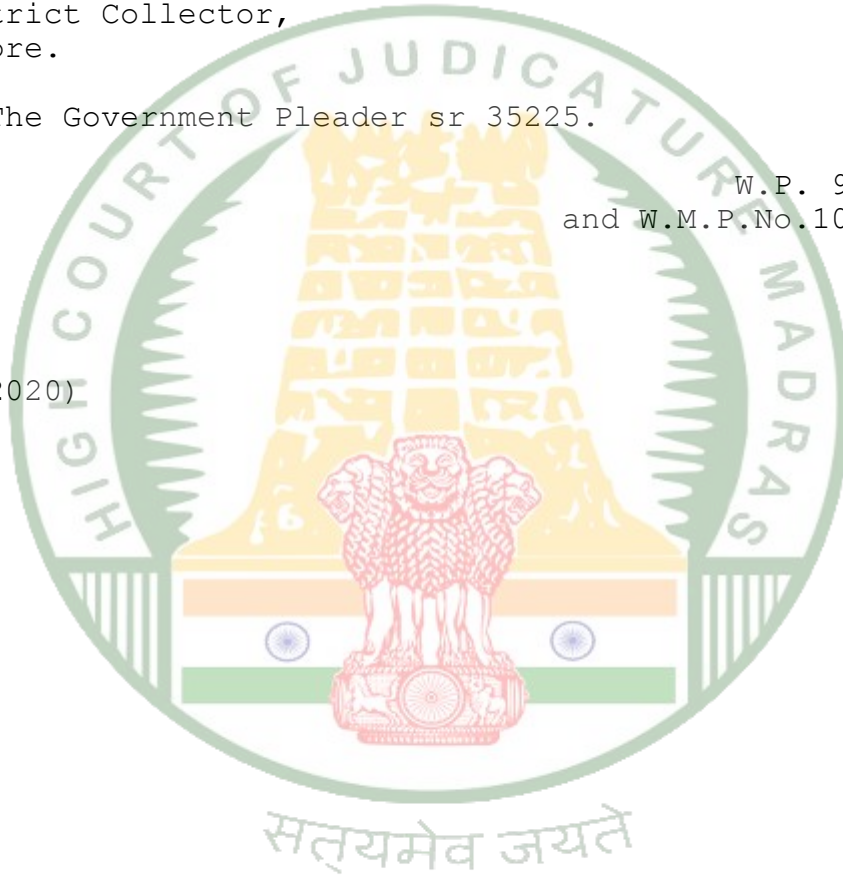
Sub-Assistant Registrar

To

- 1.The Deputy Secretary to Government,
Rural Development Department,
Fort St.George, Chennai-600 009.
 - 2.The Director of Rural Development,
Saidapet, Chennai-600 015.
 - 3.The Chief Engineer (General Highways),
Chennai-600 005.
 - 4.The District Collector,
Coimbatore.
- +1 CC to The Government Pleader sr 35225.

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RGN (CO)
SP(08/12/2020)



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