

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.35220 of 2004
and W.M.P.No.42448 of 2004

B.Srinivasasundar

... Petitioner

Versus

- 1.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9.
- 2.The Chief Engineer/General,
Public Works Department,
Chepauk, Chennai-5.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner for promotion as Executive Engineer by including his name in the panel of the year 1998-99 without reference to the punishment sustained by the petitioner in G.O.D.No.160 Public Works Fl Department dated 05.04.2002 and promote the petitioner as Executive Engineer and grant all consequential service and monetary benefits and grant him.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been seeking for direction to the respondent directing the respondents to consider the claim of the petitioner for promotion as Executive Engineer by including his name in the panel of the year 1998-99 without reference to the punishment sustained by the petitioner in G.O.D.No.160 Public Works Fl Department dated 05.04.2002 and promote the petitioner as Executive Engineer and grant all consequential service and monetary benefits and grant him.

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2. When the matter was taken up for hearing, there was no representation for the petitioner.

3. The case of the petitioner as per the affidavit in the Writ Petition is that the petitioner was joined Assistant Engineer in the Public Works Department on 04.10.72. Subsequently, he passed the Public Service Commission Examination in the year 1974. Thereafter, he was promoted as Assistant Executive Engineer during November 1984. While he was in service, a charge memo was issued under Rule 17(b) of T.N.C.S (D&A) Rules in 1996 alleging that the petitioner had made 90% advance payment in favour of four cooperative societies without verification of the genuineness of the said societies for the supply of Steam Laundry Equipments in collusion and conspiracy.. Totally five charges were framed in which two charges were proved and three charges were not proved. In the meanwhile, the panel for promotion to the next level post was in which the petitioner's name was not considered because of pending criminal case. Therefore, the petitioner filed this Writ Petition seeking for the abovesaid prayer.

4. The learned Special Government Pleader would submit that at the time of filing of this Writ Petition, the age of the petitioner is 53 years and now the petitioner might have attained the age of superannuation. He further submitted that the petitioner without challenging the proceedings in G.O.(D). No.160 dated 05.04.2002, has come to this court with aforesaid relief. Hence, he prays for dismissal of this Writ Petition.

5. Considering the facts and circumstances of the case and subsequently the petitioner retired and the punishment was not challenged and that without challenging the punishment, the petitioner seeks the aforesaid relief to consider the panel of promotion and he was imposed with the punishment of stoppage of one increment with cumulative effect. Therefore, there is no merits in the Writ Petition and the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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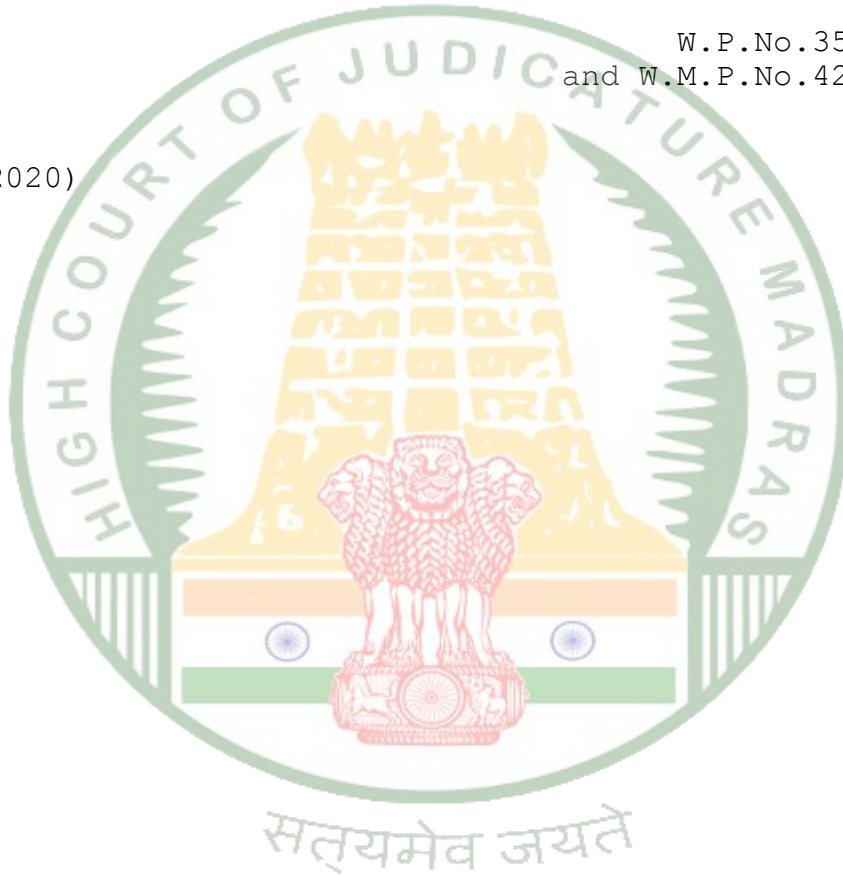
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+lcc to the Government Pleader SR.37558

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