

WMP No.21862 of 2020

in

W.P.No.4925 of 2009

SENTHILKUMAR RAMAMOORTHY, J

This petition is filed to amend the prayer so as to challenge the order dated 09.01.2009 and to direct the respondents to consider the name of the Petitioner for promotion as Joint Director.

2. I heard Mr.Ranganathan, the learned counsel for the Petitioner and Ms.R.J.Radhika, the learned Government Advocate for the Respondents.

3. The learned counsel for the Petitioner submits that the punishment order dated 12.12.2008 is the subject matter of challenge in the writ petition. Subsequent to the said order, an order dated 09.01.2009 pertaining to the promotion and posting of Assistant Directors as Joint Directors was published. He submits that the Petitioner was entitled to be considered for such promotion and that he was not considered on account of the punishment order which is under challenge in the writ petition.

Therefore, he submits that unless the amendment petition is allowed, the Petitioner would not derive any benefit even if the writ petition is allowed.

4. On the contrary, the learned Government Advocate contends that the writ petition was filed in the year 2009 and that therefore, if the amendment petition is allowed, great prejudice would be caused because it would have an impact on promotions made in the year 2009.

5. Upon consideration of the contentions of the respective parties, I am inclined to accept the submission of the learned counsel for the Petitioner that without the consequential prayer in respect of the Petitioner's entitlement to be considered for promotion, no useful purpose would be served by adjudicating the writ petition as framed inasmuch as the punishment is only the stoppage of increment for three months without cumulative effect. Although this could be done through a separate writ petition, it would result in multiplicity of proceedings. At the same time, if the amendment takes effect from the date of filing of the writ petition, the respondents would be prejudiced inasmuch as the plea of laches in respect of the amended prayer would not be available. Accordingly, in the interest of

justice, this amendment petition is allowed subject to the condition it would be open to the respondents to raise objections on the ground of laches notwithstanding the fact that the amendment petition is allowed. This petition stands allowed on the above terms..

The Registry is directed to carry out necessary amendments and post the writ petition on 08.01.2021.

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22.12.2020



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SENTHILKUMAR RAMAMOORTHY J.,

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