



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15807 of 2015

and

M.P(MD) .Nos.1 and 2 of 2015

WEB COPY

S.A.H.Mubarak Hussain,
Head Accountant,
District Backward Classes Welfare Office,
Sivagangai,
Sivagangai District.

... Petitioner

Vs.

1. The Additional Chief Secretary and Commissioner
of Revenue Administration,
Revenue Department,
Chepauk, Chennai.

2. The District Collector,
Sivagangai District,
Sivagangai.

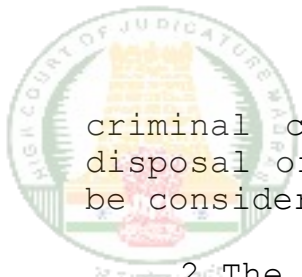
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Roc.No.A1/15441/2014 dated 22.09.2014 and quash the same as illegal and consequentially to direct the respondent to consider the petitioner for promotion to the post of Deputy Tahsildar without reference to the pending criminal case in C.C.No.15 of 2010 on the file of the Judicial Magistrate cum Additional Mahila Court, Madurai.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The impugned order in the writ petition states that a temporary panel of Officers for the year 2014 fit for promotion to the post of Deputy Thasildar has been drawn up in proceedings dated 22.09.2014. However, a charge sheet had been filed in a criminal case against the writ petitioner in C.C.No.15 of 2010 pending before the Judicial Magistrate Court, Madurai and during the relevant point of time, when the panel was prepared, the said criminal case was pending against the writ petitioner, he was arrayed as 4th accused in the



criminal case. The authorities itself has stated that after the disposal of the criminal case, the name of the writ petitioner will be considered, with reference to the rules in force.

2.The learned counsel appearing on behalf of the writ petitioner, now, made a submission that the criminal case was disposed of and the writ petitioner was acquitted from the criminal case. The learned counsel appearing on behalf of the respondents/Department also informed that the case of the writ petitioner is to be considered, strictly in accordance with the rules in force.

3.This being the factum, the case of the writ petitioner is to be considered, based on the Service Records and as per the rules in force for further promotion. The respondents are directed to consider the case of the writ petitioner with reference to the rules for grant of promotion and by following the procedure contemplated.

4.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ns

To

1. The Additional Chief Secretary and Commissioner
of Revenue Administration,
Revenue Department,
Chepauk, Chennai.

2. The District Collector,
Sivagangai District,
Sivagangai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-20603

W.P. (MD) No.15807 of 2015

and

M.P(MD) .Nos.1 and 2 of 2015

SR (CO)

CS (06.11.2020) 2P 4C