



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

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THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.25477 of 2008

and

M.P.Nos.1 & 3 of 2008

S.Bhaskaran

B-4, Housing Unit

Salai Road, Trichy-3.

...Petitioner

-Vs.-

1.The State of Tamil Nadu
represented by its Secretary
Industries Department
Fort St.George
Chennai.

2.The Commissioner
Geology and Mining Department
Guindy, Chennai-32.

3.Sri K.Balasubramaniam
Deputy Director
Geology and Mining Department
Guindy, Chennai-32.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his proceedings R.C.No.201/PM-1/2008 and to quash the order dated 30.09.2008 and consequently, direct the first respondent to approve the petitioner's promotion proposal as Joint Director in the second respondent Department forthwith.

For Petitioner	:	Mr.S.Vennimalai
For Respondents	:	Mr.C.Selvaraj
		Government Advocate
		for R1 & R2
		R3-NA

O R D E R

Mr.S.Vennimalai, learned counsel on record for sole writ petitioner and Mr.C.Selvaraj, learned State counsel for respondents 1 and 2 (official respondents) are before this Virtual Court.



2. To be noted, third respondent for all practical purposes is a private respondent as Deputy Director of Geology and Mining Department, Guindy, Chennai-600 032 has been arrayed as a respondent by name (K.Balasubramaniam). Case file placed before this Court says that third respondent has been duly served on 12.11.2008, name of third respondent together with full/complete address is shown in the cause list. This Court is informed that third respondent has not chosen to enter appearance through any counsel. In any event, there is no representation for third respondent today.

3. Be that as it may, learned counsel for writ petitioner submits that he abridges the prayer and makes a very innocuous request.

4. Therefore, with the consent of learned counsel for writ petitioner and the aforementioned learned State counsel, captioned main writ petition is taken up and disposed of.

5. Adverting to the prayer in the main writ petition, learned counsel for writ petitioner submits that what has been sought for is writ of certiorarified mandamus and therefore, prayer is in two limbs. Learned counsel submits that the first limb of prayer i.e., certiorari limb has become infructuous as it is the challenge of an order of transfer. Learned counsel submits that regarding second limb of prayer i.e., mandamus limb of prayer though prayer is to direct the first respondent to approve writ petitioner's promotion proposal as Joint Director made by the Director of Geology and Mining vide 'proceedings dated 05.02.2008 bearing reference Re.No.6663/PM1/2007' [hereinafter 'said proceedings' for the sake of convenience and brevity], a perusal of the said proceedings reveals that it may really be not a recommendation, but an order placing writ petitioner in full additional charge qua post of Joint Director of Geology and Mining, owing to superannuation of one Mr.C.R.Ranganathan. However, owing to the abridged prayer that is being made now, this Court is of the considered view that there would be no impediment in directing the first respondent to consider writ petitioner's plea for promotion as Joint Director in the second respondent Department in the light of the said proceedings.

6. This Court is informed by the learned counsel for writ petitioner that writ petitioner has since retired from service in March 2010 and if his promotion plea is acceded to, he would get some augmentation qua pension which he is drawing.

7. Captioned writ petition is disposed of by passing the following order:



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(a) First respondent is directed to consider writ petitioner's request for promotion as Joint Director of Geology and Mining in the second respondent Department in the light of the proceedings of Director of Geology and Mining dated 05.02.2008 bearing reference Re.No.6663/PM1/2007.

(b) Though obvious, it is made clear that the first respondent shall consider the writ petitioner's promotion request on its own merits and in accordance with law, as no view or opinion is expressed on the merits of the matter in this order.

(c) The aforementioned process shall be completed by first respondent and decision shall be communicated to writ petitioner within fourteen weeks from today i.e., on or before 11.11.2021 under due acknowledgment.

8. In the light of the disposal of captioned main writ petition, all miscellaneous petitions namely, M.P.Nos.1 and 3 of 2008 are disposed of as closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary
The State of Tamil Nadu
Industries Department
Fort St.George
Chennai.
- 2.The Commissioner
Geology and Mining Department
Guindy, Chennai-32.
- 3.The Deputy Director
Geology and Mining Department
Guindy, Chennai-32.

W.P.No.25477 of 2008

PCH(CO)
LS(25/08/2021)