

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.33556 of 2005

E.Ravikumar

... Petitioner

-Vs-

1. The Additional Director General of Prisons  
Chennai - 600 008.

2. The Superintendent, Central Prison  
Salem - 636 007.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to calling for the records relating the orders of the first respondent in Pro.No.8257/CS4/2004-3 dated 28.9.2004 and 31.12.2004 quash the same and issue consequential directions to the first respondent to include the name of the petitioner in the panel for promotion as probation Officer and to promote him with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mrs.K.Bhuvaneswari  
Additional Government Pleader

O R D E R

The prayer sought for herein is to call for the records relating the orders of the first respondent in Pro.No.8257/CS4/2004-3 dated 28.9.2004 and 31.12.2004 quash the same and issue consequential directions to the first respondent to include the name of the petitioner in the panel for promotion as probation Officer and to promote him with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

2. Though the petitioner has challenged the impugned orders dated 28.09.2004 and 31.12.2004 and consequently sought the relief to include his name in the panel for promotion to the post of Probation Officer and promote him with retrospective effect from the date of promotion of his immediate junior with consequential benefits, when the case is

taken up for hearing today, Mrs.K.Bhuvaneswari, learned Additional Government Pleader has filed the following instructions.

" 9. Further more, the petitioner submitted his willingness petition dated 08.05.2008 for promotion to the post of Accountant and based on his willingness he was promoted as Accountant on 06.10.2008 vide this Office Proceedings No.45604/CS1/2007 dated 30.09.2008. Subsequently, he was promoted as Office Superintendent on 30.07.2012. Further, his name is under consideration for inclusion in the panel for promotion to the post of Administrative Officer. He is due for retirement on 31.01.2022."

3. By relying upon the above instructions, learned Additional Government Pleader would submit that, during the pendency of the writ petition, the petitioner has given willingness to go to ministerial service and accordingly he was given promotion as Accountant vide proceedings dated 30.09.2008 and subsequently also on the basis of seniority, he was considered for further promotion as Superintendent and accordingly vide order dated 30.07.2012 he was promoted as Office Superintendent, and now a panel is being prepared for inclusion of the names for the purpose of promotion to the post of Administrative Officer, where the name of the petitioner also would be included and the petitioner since is superannuating on 31.01.2022, he may get the chance of getting the Administrative Officer promotion also, if the panel is acted upon and due promotions are given. Therefore, hierarchy of promotion has already been given to the petitioner by his own willingness as submitted by him dated 08.05.2008 ie., well after filing of the petition. Therefore, the learned Additional Government Pleader submits that, nothing survives for adjudication in this writ petition.

4. In this regard the learned counsel for the petitioner would submit that, the petitioner has not given any instructions to that effect.

5. However, the aforesaid written instructions submitted by the learned Additional Government Pleader appearing for the respondents is appealing to this Court that, the petitioner has already been given two promotions and based on, of course his willingness, and he is ready to be considered for the third promotion and therefore, he certainly may not have any grievance. Therefore, this Court feels that, nothing effectively survives in this writ petition to proceed further, except to record the aforesaid statement made by the learned Additional Government Pleader appearing on behalf of the respondents.

6. With the above observations, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1. The Additional Director General of Prisons  
Chennai - 600 008.
2. The Superintendent, Central Prison  
Salem - 636 007.

+1cc to the Government Pleader, S.R.No.12796.

W.P.No.33556 of 2005

AAB (CO)  
CSR 22.03.2021



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