



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 8442 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

S.Jayamani

... Petitioner

Vs.

1. The Director,
Tamil Nadu State Health Transport Department,
Guindy,
Chennai-600 032.

2.M.Rajendran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the First Respondent in Proc.R.No.4729/A2/2012 dated 31.08.2012 and the consequential order passed in Proc.R.No.4729/A2/2012 dated 31.08.2012 quash the same and consequently, direct the 1st respondent to promote the Petitioner as General Foreman with effect from 31.08.2012 with all consequential service and monetary benefits.

For Petitioner	:	Ms.Mirunalini for Mr.Shaji Chellan
For R1	:	Mr.D.Gandhiraj Government Advocate
For R2	:	No appearance

ORDER

Heard Ms. Mirunalini, Learned Counsel appearing for the Petitioner and Mr. D. Gandhiraj, Learned Government Advocate appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner challenges the separate orders dated 31.08.2012 in which the Second Respondent has been temporarily promoted to the posts of Store Superintendent and General Foreman, in the absence of inclusion of his name in the panel for promotion dated 02.01.2011 published in that regard and for consequential direction to promote the Petitioner to the post of General Foreman.



3. It is explained by the First Respondent in the Counter-Affidavit dated 22.08.2019 that the Second Respondent had temporarily relinquished his promotion for a period of three years from 27.08.2009 to 26.08.2012 and after expiry of the said period, he was eligible for promotion to the posts of Store Superintendent and General Foreman which has been granted to him after the vacancies fell for those posts on 01.06.2012 in that regard. Further, it is brought to notice that after the filing of the Writ Petition on 14.05.2013, the Petitioner has also been temporarily promoted from the post of Store Superintendent to the post of General Foreman by order dated 29.05.2013 and he has retired from service on 31.05.2013 when he attained the age of superannuation. As such, it is evident that the grievance sought to be ventilated by the Petitioner in the Writ Petition does not remain for consideration.

In fine, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai-600 032.

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RC (23.07.2021) 2P-2C