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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.308 of 2019

and

C.M.P. (MD) Nos.2463 & 2464 of 2019

S.Murugeshwari

... Appellant / Writ Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent / Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 19.11.2018 in W.P.(MD)No.21970 of 2018 on the file of this Court.

Prayer in WP(MD). 21970/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order passed by the respondent in his Proceedings Ma Ni.1/025082/2018 dated 12.10.2018 and quash the same as illegal and consequentially to direct the respondent to promote the petitioner as Superintendent within the period that may be stipulated by this Honourable Court.

For Appellant
For Respondent

: Mr.K.Baalasundharam
: Mr.T.S.Mohammed Mohideen

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This writ appeal is directed against the order dated 19.11.2018, passed in W.P(MD) No.21970 of 2018.

2.The said writ petition was filed by the appellant/ writ petitioner to quash the proceedings of the respondent dated 12.10.2018 and consequentially direct the respondent to promote the appellant/ writ petitioner as Superintendent within a stipulated period. The writ petition was dismissed by the impugned order.

3.Mr.K.Baalasundharam, learned counsel appearing for the appellant/ writ petitioner submitted that he has returned the papers
<https://hcservices.ecourts.gov.in/hcservices/>



and he reports no instructions.

4.We find that the appellant / writ petitioner has not made any alternate arrangement. Therefore, we proceed to hear the respondent.

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5.On perusal of the impugned order, we find that the learned writ Court was fully justified in holding that the appellant cannot claim promotion, when a serious case of misappropriation has been lodged against her and disciplinary proceedings are also pending.

6. Therefore, the opinion of the learned Writ Court that the prayer sought for by the appellant / writ petitioner is premature, is absolutely justifiable. Hence, we find that absolutely there is no ground to interfere with the order of the Writ Court.

7.Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-22387[F] dated 13/07/2021)

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SSS(CO)

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