



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.985 of 2017

and

W.M.P. (MD) .No.835 of 2017

R.Muthukumar

.. Petitioner

Vs

1.The State of Tamilnadu represented by its
Secretary to Government,
Rural Development and Panchayats Department,
St. George Fort, Chennai-600009.

2.The Director of Rural Development and
Panchayats Department,
Panagal Building, Saidapet,
Chennai-600 015.

3.The District Collector,
Virudhunagar District,
Collectorate,
Virudhunagar Post & District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Junior Engineer in Rural Development Department in Virudhunagar District retrospectively with effect from the date on which his immediate junior was promoted to the post of Junior Engineer in Rural Development Department with arrears of pay.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Muthugeethayan

Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents to promote the petitioner as Junior Engineer in Rural Development Department in Virudhunagar District retrospectively with effect from the date on which his immediate junior was promoted to the post of Junior Engineer in Rural Development Department with arrears of pay.

2. The case of the petitioner is that the petitioner was appointed in the post of Junior Drafting Officer on 10.12.2007 in the Assistant Divisional Engineer (Rural



Development), Aruppukkottai and his service was regularised with effect from the initial date of appointment and subsequently promoted to the post of Panchayat Union Overseer on 17.10.2008 and he was fully eligible for promotion to the post of Junior Engineer. At that time, on a complaint of the Vice President of the Saminatham village panchayat, a case was registered against the petitioner, due to which the petitioner was denied promotion. Thereafter, the criminal proceedings was dropped. Even thereafter, the petitioner was not considered for the promotion to the post of Junior Engineer while his juniors were promoted to the said post vide proceedings dated 22.07.2016 of the 2nd respondent. Aggrieved by the same, the petitioner made a representation on 15.12.2016 to the respondents. Since the same was not considered, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner within a reasonable time as fixed by this Court.

4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the Vigilance and Anticorruption Department has not dropped the case and it recommended the Tribunal to take further action and the Tribunal had framed charges against the petitioner and charges were still pending, hence the petitioner was not included in the panel for the year 2016-2017. He would further submit that the juniors were promoted as they were fully qualified and no charges or allegations were pending against them and the case of the petitioner was not identical to his juniors. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case, admittedly, the petitioner was appointed in the post of Junior Drafting Officer on 10.12.2007 in the office of the Assistant Divisional Engineer (Rural Development), Aruppukkottai and his service was regularised with effect from the initial date of appointment and subsequently promoted to the post of Panchayat Union Overseer on 17.10.2008 and he was fully eligible for promotion to the post of Junior Engineer. In the year 2010, a criminal proceedings was initiated against the petitioner in TDP Case No.1/2013. In view of the criminal proceedings, the petitioner's promotion was denied and it appears subsequently, the disciplinary proceedings was over and the petitioner was imposed punishment of stoppage of increment for 3 months without



cumulative effect. Hence, the prayer sought for in the writ petition is misconceived. Once, the departmental proceedings is pending, he is not entitled for promotion.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, it is not a bar for the petitioner for acquiring the promotion after the currency of punishment is over.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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

1.The Secretary to Government,
State of Tamilnadu,
Rural Development and Panchayats Department,
St. George Fort,
Chennai-600 009.

2.The Director of Rural Development and
Panchayats Department,
Panagal Building, Saidapet,
Chennai-600 015.

3.The District Collector,
Virudhunagar District,
Collectorate,
Virudhunagar Post & District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-11407[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11545[F] dated 16/03/2021)

**W.P. (MD) .No.985 of 2017
15.03.2021**

RK (13.05.2021) 3P 6C

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