



WEB COPY



W.P. No.27585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.27585 of 2022

and

W.M.P. Nos.26839, 26840, 26842 of 2022

M.Rajasekar

...Petitioner

VS.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Transport Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Office of Tamil Nadu State Transport Corporation Ltd.,
Pallavan Salai,
Chennai – 600 002.

3. The Managing Director,
Tamil Nadu State Corporation (Villupuram) Ltd.,
Salamedu,
Vazhutha Reddy Post,
Villupuram & District.

... 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 relating to the impugned order issued by the 1st respondent in Letter No.6258/D/2022,-3, dated 10.10.2022 and to quash the same and



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consequently directing the respondents to include the name of the petitioner for promotion to the post of Senior Deputy Manager for the year 2021-22 forthwith and to grant promotion to the petitioner to the post of Senior Deputy Manager based on seniority.

For petitioner : Mr.G. Sankaran
For respondents : Mr.Yogesh Kannadasan,
Spl. Govt. Pleader for R1
Mr.C.S.K. Sathish for R2
Mr.L.S.M. Hasan Fizal,
Addl.Govt. Pleader for R3

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the 1st respondent; Mr.C.S.K. Sathish, learned counsel accepts notice for the 2nd respondent and Mr.L.S.M. Hasan Fizal, learned additional Government Pleader accepts notice for the 3rd respondent.

3. This writ petition has been filed challenging the order dated 10.10.2022 passed by the 1st respondent rejecting the petitioner's request to include his name for promotion for the post of Senior Deputy Manager for the year 2021-22 on the ground that the petitioner is involved in a criminal case in Crime No.529 of 2019 pending before the learned Judicial Magistrate No.1, Kancheepuram.

4. Heard Mr.G. Sankaran, learned counsel for the petitioner,



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Mr.Yogesh Kannadasan, learned Special Government Pleader for the 1st respondent, Mr.C.S.K. Sathish, learned counsel for the 2nd respondent and Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader for the 3rd respondent.

5. The petitioner has filed documents along with this writ petition including the FIR status details pertaining to Crime No.529 of 2019 which reveals that the FIR registered against the petitioner has been closed by the police as a mistake of fact. The basis for rejection of the petitioner's request under the impugned order is the pendency of the FIR. The petitioner has challenged the impugned order on the ground of non application of mind by the respondents to the fact that the FIR, dated 23.11.2019 registered against the petitioner has already been closed as a mistake of fact. The petitioner has also filed the report of the District Vigilance Committee headed by the District Collector along with this writ petition, which reveals that the charges against the petitioner were found to be false. Neither the closure of the FIR on the ground of mistake of fact as well as the District Vigilance Committee report referred to supra have been considered under the impugned order. By total non application of mind to the aforementioned documents which are crucial for the petitioner's case, the impugned order has been passed



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rejecting the petitioner's request for promotion. Therefore, necessarily the impugned order passed by the 1st respondent dated 10.10.2022 has to be quashed and the matter will have to be remanded back to the 1st respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the aforementioned documents, within a time frame to be fixed by this Court.

6. In the result, the impugned order dated 10.10.2022 passed by the 1st respondent is hereby quashed and the matter is remanded back to the 1st respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the a) closure report (FIR) b) District Vigilance Committee report dated 12.08.2021.

7. The 1st respondent is directed to pass final orders, within a period of six weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



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To :

1. The Principal Secretary to Government,
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Transport Department,
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Chennai – 600 009.

2. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Office of Tamil Nadu State Transport Corporation Ltd.,
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ABDUL QUDDHOSE, J.

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