



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A(MD)No.251 of 2011

and

M.P(MD)No.1 of 2011

1.The Secretary to Government,
Finance (Local Fund) Department,
Fort St. George,
Chennai - 9.

2.The Director,
Local Fund Audit Department,
4th Floor, Kuralagam,
Chennai - 108.

:Appellants/Respondents

.vs.

K.Jeevanantham

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 01.04.2010 passed in W.P(MD)No.4305 of 2010.

Prayer in WP(MD) . 4305/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents to consider the claim of the petitioner for promotion as Asst Director of Local Fund Audit for the year 2009-2010 without reference to the punishment imposed on the petitioner in G.O. (2D) No. 24 Finance (Local Fund) Department dated 17.03.2008 and promote him as Asst Director, Local Fund Audit and grant him all consequential service and monetary benefits and grant such other further relief as this Honourable Court may deem fit.

For Appellants

:Mr.A.Kannan,

Addl. Government Pleader

For Respondent

:No Appearance



JUDGMENT

[Judgment of the Court was delivered by **R. SUBRAMANIAN, J.**]

Aggrieved by the order of the learned single Judge allowing the writ petition in W.P(MD)No.4305 of 2020, the State is on appeal.

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2. The said writ petition was filed by the respondent herein seeking a Writ of Mandamus to direct the respondents to consider his claim for promotion as Assistant Director of Local Fund Audit for the year 2009 - 2010 without reference to the punishment imposed on the petitioner on 17.03.2008.

3. Considering the fact that the punishment was only stoppage of increment for a period of one year without cumulative effect, the learned single Judge had concluded that the same cannot be held against the petitioner. Accordingly, the writ petition was allowed.

4. Heard Mr.A.Kannan, learned Additional Government Pleader for the respondents.

5. We do not find any reason to interfere in the conclusion of the learned single Judge, which is in accordance with the Government Letter Ms.No.248, Personnel and Administrative Reform(S) Department, dated 20.10.1997, which provides that certain punishments could be ignored while considering an employee for promotion.

6. Further, it is seen that the respondent/writ petitioner was aged 56 years even in the year 2010 when the writ petition was filed. Therefore, the respondent must be retired by now.

7. Hence, we do not find any reason to interfere in the order of the writ Court and the writ appeal fails and is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

Pm

TO

1.The Secretary to Government,
Finance (Local Fund) Department,
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<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to M/s.SPL GP (SR-5387[F] dated 10/02/2022)

W.A(MD) No.251 of 2011
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