



W.P.No.3448 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3448 of 2020 and
W.M.P.No.4022 of 2020

S.M.Omprakash

... Petitioner

Vs.

1.The Secretary to Government,
Revenue (Pani.IV(2)) Department,
Fort St George, Chennai - 9.

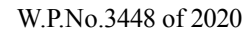
2.The District Collector,
Kancheepuram District.

3.The District Collector,
Chengalpattu District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the claim of the petitioner for promotion as Deputy Collector without reference to the pending disciplinary proceedings issued by the 1st respondent in Letter No.40409/Pani.IV(2)/2015-6 dated 05.05.2016 and as well as pending criminal case in Special CC No.6/2015 on the file of Chief Judicial Magistrate, Kancheepuram and promote the petitioner as Deputy Collector and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani, Senior Counsel for



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petitioner has filed this Writ Petition seeking promotion and given with the attendant benefits.

4. However, it was vigorously objected by the learned Additional Government Pleader that the petitioner cannot be considered for promotion when the disciplinary and criminal proceedings are pending. It is further submitted that during the pendency of disciplinary and criminal proceedings, no promotion can be given, since it is barred under Sub Section II(8), Part A of Schedule XI under Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

5. The learned Senior Counsel for the petitioner submitted that in the pending criminal case, out of 39 witnesses, 20 witnesses have already been examined and there is a likelihood for disposal of the trial itself shortly.

6. Considering the same and also taking into consideration of the rule which would bar the promotion due to the pending criminal and



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disciplinary proceedings, this Writ Petition is disposed. However, depending upon the outcome of the criminal and disciplinary proceedings, the petitioner can re-agitate his entitlement for promotion if it is not granted by the respondents, even if the proceedings end in his favour.

7. In the result, this Writ Petition is disposed with an observation that the petitioner is entitled to re-agitate his entitlement for promotion, if it is not granted by the respondents despite the pending criminal and disciplinary proceedings end in his favour. Consequently, connected miscellaneous petition is closed. No costs.

16.11.2023

Index : Yes
Internet : Yes/No
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To

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R.N.MANJULA, J.

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