



W.P(MD)No.9572 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9572 of 2023

Silas S.Lovely Tom

... Petitioner

Vs.

1.The Principal Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Commissionerate of Employment and Training,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the panel for the promotion of Principal for the year 2019-2020 without reference to the pending criminal case in C.C.No.141 of 2022 on the file of Judicial Magistrate No.II, Nagercoil and promote the petitioner as Principal in the



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Training Wing of Employment and Training Department with all attendant benefits, based on the representation of the petitioner dated 01.04.2023.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is presently working as Training Officer. He wants to be promoted as Principal. The learned Additional Government Pleader for the respondents draws my attention to Schedule 11(ii) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. It states that in cases where specific charges have been framed or charge sheet has been filed against member of service, promotion for such member of service shall be deferred till such proceedings are concluded. I, therefore, will not fault the respondents for deferring the request for promotion.



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3.However, the learned Judicial Magistrate No.II, Nagercoil is directed to dispose of C.C.No.141 of 2022 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The learned trial Judge is requested not to seek extension of time. The Registry is directed to mark a copy of this order to the learned Judicial Magistrate No.II, Nagercoil.

4.This writ petition is disposed of accordingly. No costs.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The Principal Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Commissionerate of Employment and Training,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.

Copy to:-

The Judicial Magistrate No.II,
Nagercoil.

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G.R.SWAMINATHAN, J.

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