



W.P.(MD) No.14849 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.14849 of 2020
and WMP(MD) No.12509 of 2020

R.Santhi

... Petitioner

-VS-

1.The District Collector,
Collectorate,
Ramanathapuram
Ramanathapuram District.

2.The Personal Assistant to the District Collector,
(Development)
Collectorate,
Ramanathapuram
Ramanathapuram District.

3.R.Nithyanantham

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.V2/20747/2019-5 dated 20.08.2019 on the file of the respondent No.1 and quash the same as illegal and consequently directing the respondent No.1 to promote the petitioner as Deputy Block Development Officer and provide all other benefits.



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For Petitioner :Mr.T.Aswin Rajasimman
For Respondents :Ms.K.Christy Theboral
for R1 &R2
Additional Government Pleader

ORDER

Challenging the impugned order dated 20.08.2019 of the 1st respondent and consequently directing the respondent No.1 to promote the petitioner as Deputy Block Development Officer and provide all other benefits, the petitioner is before this Court.

2. The case of the petitioner in nutshell is as follows:

Initially the petitioner was appointed as Typist on 19.11.2009 and later promoted as Assistant on 21.05.2012. The respondents drawn a panel for promotion to the post of Deputy Block Development Officer for the year 2019-20. The petitioner is placed at S.No.12 and Seniority No.920. Initially, the petitioner was placed at Sl.No.12 and Assistant Seniority No.918, however, her juniors were considered for promotion and hence, the petitioner filed writ petition in WP(MD) No.16750/2019 for inclusion of his name. This Court vide order dated 29.07.2019 passed an order directing the



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respondents to consider the petitioner's representation. Pursuant to the said order, the present impugned order was passed stating that initiation of disciplinary proceedings is contemplated and hence, challenging which and for inclusion of his name in the panel of Deputy Block Development Officer, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that this writ petition is filed solely on the ground that mere registration of the FIR will not sufficient to withhold the petitioner's name in the panel for Deputy Block Development Officer for the year 2019-20.

4. Per contra, the learned Additional Government Pleader would submit that the case was registered in the year 2019 and after filing charge sheet, the petitioner is arrayed as A3 and therefore, the name of the petitioner is not included in the list.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



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6. This Court perused G.O.Ms.No.112 dated 26.06.2019, which reveals that the third respondent recommended the initiation of disciplinary proceedings against the petitioner on the ground that the petitioner is involved in a case pertaining to Vigilance and Anti Corruption. Hence, the impugned order cannot be interfered with. Accordingly, the writ petition is dismissed, however liberty is granted to the petitioner to claim inclusion of her name, after disposal of the criminal case and after she is exonerated in the disciplinary proceedings. No costs. Consequently connected miscellaneous Petition is closed.

08.02.2023

NCC : Yes/No

Index : Yes/No

RR

To

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M.DHANDAPANI, J.

RR

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