



W.P.No.13203 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.13203 of 2015

A.Krishnan

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Appellate Authority cum
City Health Officer (i/c)
Public Health Department,
Chennai Corporation,
Chennai 600 003.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a writ of Certiorarified Mandamus or direction in the nature of Writ to direct the respondents to call for the records in pursuant to the impugned



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order passed by the 2nd respondent in proceeding P.H.D.Na.Ka.No.B4/7959/2014 dated 17.11.2014 and quash the same and consequently direct the respondents to promote the petitioner as sanitary officer retrospectively with effect from 26.04.2007 with all consequential monetary and service benefits within a stipulated period.

For Petitioner : Mr. R.Prem Narayan

For Respondents : Mr. G.T.Subramanian

ORDER

The Writ Petition has been filed challenging the dismissal of the petitioner's request for considering the petitioner's name for promotion as a Sanitary Officer with effect from 26.04.2007 with all consequential monetary and other attendant benefits.

2. The petitioner was holding the post of Sanitary Inspector, in which post he had retired on 30.04.2008. It is the case of the



petitioner that he had qualified for the post of Sanitary Officer and his juniors were appointed by proceedings dated 26.04.2004. Therefore, he had made an appeal to the 1st respondent to which there was no response. Ultimately, he had sought for an information under the Right to Information Act on 17.11.2014. He was informed that his name was not considered since there was a disciplinary proceedings pending against him and the same had ultimately ended in punishment of warning and therefore he had not been granted promotion.

3. The respondents have filed a counter reiterating very same contention.

4. A perusal of the order passed by the 1st respondent dated 06.07.2007 would clearly show that the Enquiry Officer had held that the charges imposed on the petitioner has not been proved. Despite which the 1st respondent had imposed a punishment of warning. It is rather surprising that when a person is not found guilty of any of the



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charges put against him, the disciplinary authority has imposed a punishment of warning and on the basis of this punishment which is only a warning that too on a charge which has not been proved the petitioner's promotion has been denied.

5. Considering the above facts and circumstances and the fact that the petitioner has retired, the Writ Petition is allowed giving him a notional promotion with effect from 26.04.2007 with all consequential monetary and service benefits. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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