



WEB COPY



W.P.No.3223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3223 of 2024

Syed Abdul Kadhar K.S.

...Petitioner

-Vs-

1. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2. The General Manager (Admin.,)
Tamilnadu Civil Supplies Corporation,
Head Office, Kilpauk,
Chennai-600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to notionally promote the petitioner with effect from 01.02.2022 with all service and monetary benefits and place him on par with his immediate junior.

For petitioner : Mr.N.Alagu Narayanan

For respondents : Mr.C.Selvarraj
Standing Counsel



W.P.No.3223 of 2024

WEB COPY

ORDER

This writ petition has been filed for direction directing the respondents to notionally promote the petitioner with effect from 01.02.2022 with all service and monetary benefits and place him on par with his immediate junior.

2. The petitioner is working as Superintendent. While being so, the petitioner was placed under deemed suspension with effect from 04.02.2011 by proceedings dated 15.02.2011 in pursuant to his arrest in criminal case for the offences of abetment of suicide. He was arrested and remanded to judicial custody on 05.02.2011. Thereafter, he was released on bail on 19.02.2011. The petitioner challenged the order of suspension before this Court in W.P.No.23735 of 2013 and in view of the interim order granted by this Court, the petitioner was re-employed as Assistant. After filing the final report, the trial Court commenced with trial and acquitted all from the criminal charges by an order dated 31.01.2022. Immediately, the petitioner submitted representation to promote him on par with his juniors.



W.P.No.3223 of 2024

Now on 05.06.2023, the respondents fixed the seniority of the petitioner and had issued orders. After fixation of seniority, the petitioner was promoted to the post of Superintendent. Whereas the claim is that he has to be promoted to the post of Deputy Manager on par with his juniors as per the seniority. Therefore, the petitioner submitted objection by way of representation seeking notional promotion to the post of Deputy Manager with all service and monetary benefits. While being so, on 11.01.2024, the respondents published panel of employees for the promotion to the post of Deputy Manager. Once again, the petitioner submitted his objection to the panel drawn by the respondents.

3. The learned counsel for the respondents submitted that it has to verify whether as against the order of acquittal any appeal is preferred or not.

4. On perusal of records, revealed that as of now, no appeal has been preferred as against the order of acquittal dated 31.01.2022. That apart, the wife of the petitioner committed suicide. In the said circumstances, the petitioner has been implicated as accused for the offence of abetment of suicide. The Trial Court has also acquitted the accused from



W.P.No.3223 of 2024

all the charges.

WEB COPY

5. Therefore, the first respondent is directed to consider the objection raised by the petitioner for the panel drawn to the post of Deputy Manager dated 11.01.2024 and pass appropriate orders on merits in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

14.02.2024

Index : Yes/No
Internet: Yes/No
gvn



WEB COPY



W.P.No.3223 of 2024

To

1. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Head Office,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.
2. The General Manager (Admin.,)
Tamilnadu Civil Supplies Corporation,
Head Office, Kilpauk,
Chennai-600 010.



WEB COPY



W.P.No.3223 of 2024

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.3223 of 2024

14.02.2024