



W.P.No. 16479 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.02.2024

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THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No. 16479 of 2017
and WMP.No.17827 of 2017

V.Kumar

..Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.

2. The Deputy Commissioner (Works),
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records on the file of the 2nd Respondent herein in (I) Proceedings Po.Thu.Na.E1 12694/2017 dt. 15.05.2017 and (ii) Proceedings Po.Thu.Na.Ka.No.E1/38341/2012 dt. 26.09.2013 of the 1st Respondent and to quash the 1st Impugned Order in its entirety and the 2nd Impugned Order in so far as declaring the Petitioner as ineligible for empanelment and promotion to the Post of Assistant Executive Engineer for the year 2012-13



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alone is concerned and to consequently direct the Respondent herein to include the name of the Petitioner in the appropriate place in the said panel dt. 26.09.2013 for promotion to the Post of Asst. Executive Engineer for the year 2012-2013 and to promote the Petitioner as such with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.G.T.Subramanian, RR1 & 2
Spl. Government Pleader

ORDER

The petitioner has filed this writ petition seeking quash the proceedings dt. 15.05.2017 passed by the 2nd Respondent and also the Proceedings dt. 26.09.2013 of the 1st Respondent and consequently direct the Respondent herein to include the name of the Petitioner in the appropriate place in the said panel dt. 26.09.2013 for promotion to the Post of Asst. Executive Engineer for the year 2012-2013 and to promote the Petitioner as such with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

2. The learned Standing Counsel appearing for the respondents



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submitted that during pendency of the writ petition, the petitioner was dismissed from service vide proceedings in G.D.C.No.E4/8210/2008 dated 18.09.2017 by the second respondent. Aggrieved by the said proceedings, the petitioner has filed a writ petition in W.P.No.28777 of 2017 before this Court and the same was allowed vide order dated 11.01.2022. Challenging the said order, the second respondent has filed writ appeal before this Court in W.A.No.973 of 2022. The Hon'ble Division Bench of this Court, vide its order dated 07.11.2023, disposed of the said writ appeal by setting aside the order the learned Single Judge and the matter is remitted back to the respondent Corporation for appropriate orders on merits, within the stipulated time as fixed by this Court.

3. The learned Standing Counsel contended that in view of the order passed by the learned Single Judge in writ petition as well as the judgment passed by the Hon'ble Division Bench of this Court, the issue arises in the present writ petition will not survive and the same has become infructuous. The learned Standing Counsel has also placed a copy of the judgment dated 07.11.2023 in W.A.No.973 of 2022 before this Court.



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4. On perusal of the said Judgment, this Court fully agreed with the contention of the learned Standing Counsel appearing for the respondents that nothing survives for adjudication in the writ petition.

5. Recording the submission made by the learned Standing Counsel, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

15.12.2024

rli

Index : Yes/No

Internet: Yes/No

Speaking order/ Non speaking order

To

1. The Commissioner

Greater Chennai Corporation,
Ripon Buildings, Chennai-600 003.

2. The Deputy Commissioner (Works),
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.



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BATTU DEVANAND, J

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