



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4858 of 2025

M.Ponraj Selvakumar

.. Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Secretary to Government,
Human Resources Management Department,
Secretariat, Fort St. George,
Chennai – 600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 13.12.2024 with the concurrence of 2nd respondent and to pass orders under Section 17(1) & (4) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and in accordance with governing service laws, rules and merits of the case within the time stipulated by this Court.

For Petitioner

.. Mr.S.Thirumavalavan



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For R1 & R2

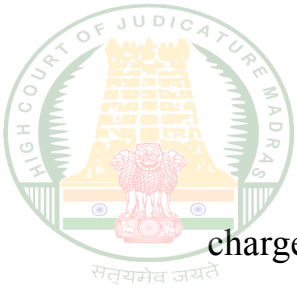
.. Mr.C.Selvaraj,
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the 1st respondent to consider the representation dated 13.12.2024 along with the 2nd respondent and pass orders in accordance with the governing service laws.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been promoted as Superintendent on 26.02.2015 and posted in the office of the Commissioner of Municipal Administration. He also passed the Departmental Tests. It had also been stated that he had deputed to the Tamil Nadu Election Commission for a period of two years. He then rejoined as Superintendent in the office of the Commissioner of Municipal Administration in the year 2019. It is claimed that he is entitled to be deputed as per Rule 2 of the Special Rules for Tamil Nadu Municipal Commissioner Service as on the crucial date 15.03.2020. Claiming that he must be so deputed, a representation had been given.

3.But however, it is contended on behalf of the respondents that



charges had been framed against the petitioner and an enquiry had been conducted and enquiry officer had also submitted a report holding that some of the charges are proved. It is stated that notice has been sent to the petitioner as a second show cause notice regarding the proposed punishment. At this stage, the writ petition has been filed.

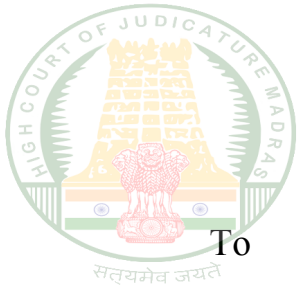
4.The fact that an enquiry had been conducted and some of the charges had been proved and that the second show cause notice had been issued against the petitioner, had only been stated cursorily and it is contended that pendency of the enquiry or departmental proceedings is not a bar for considering the name of the petitioner for Municipal Corporation Grade – II. But however, depending on the nature of punishment to be imposed and all other circumstances would certainly act as a bar. The respondents will have to take a decision depending on the decision taken on conclusion of the disciplinary proceedings. A mandamus cannot be issued at this stage. Accordingly, this Writ Petition stands dismissed. No costs.

17.02.2025

Index: Yes/No
Internet: Yes/No

C.V.KARTHIKEYAN,J.

smv



To

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