

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

WEB COPY

PRESENT

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WP.No.24268 of 2021

and WMP.No.25585 of 2021

M.VENKATESH

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE SECRETARY TO GOVERNMENT, [RESPONDENTS IN BOTH THE PETITIONS]
MUNICIPAL ADMINISTRATION AND WATER SUPPLY
DEPARTMENT, FORT ST. GEORGE, CHENNAI.

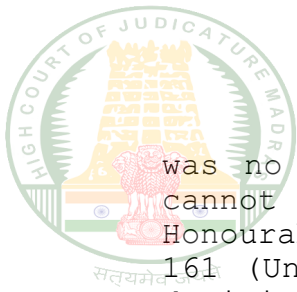
2 THE COMMISSIONER OF TOWN PANCHAYAT,
COMMISSIONERATE OF MUNICIPAL ADMINISTRATION,
MRC NAGAR, RAJA ANNAMALAI PURAM,
CHENNAI - 600 028.

Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or direction in the nature of Writ or order by Calling for the records of the 2nd respondent in its Na.Ka.No.6952/2020-2/A1 dated 29.10.2021 and quash the same and consequently direct the respondents to promote the petitioner as Special Grade Executive Officer on regular basis with effect from 15.02.2019 on par with his colleagues with all attendant benefits and pass such other order or orders as may be deemed fit and thus render justice. (in WP.No.24268/2021) and;

2) To stay the operation of the impugned order of the 2nd respondent in its Na.Ka.No.6952/2020-2/A1 dated 29.10.2021 (in WMP.No.25585/2021) pending disposal of the WP.No.24268/2021

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.VIJAYASHANKAR, Advocate for the petitioner in both the petitions the court made the following order:-

There shall be an order of interim stay of the impugned order dated 29.10.2021, insofar as the petitioner is concerned, for the reason that, on the date when the petitioner was promoted, there



was no charge memo pending. Issuance of charge memo subsequently, cannot result in the reversion of the petitioner, as held by the Honourable Supreme Court in the decision reported in 2013 (4) SCC 161 (Union of India Vs. Anil Kumar Sarkar), followed by two other decisions of this Court reported in 2013 SCC Online Madras 1774 = 2013 (6) MLJ 305 (G.Anburaj Vs. Government of Tamil Nadu represented by its Secretary to Government) and W.P.No.20597 of 2016, dated 28.06.2016 (A.Kalaiselvan Vs. The State of Tamil Nadu). All the above three decisions have been enclosed in the typed set of papers filed along with the Writ Petition.

2. Issue notice to the respondents. Private notice is also permitted.

3. Post the Writ Petition on 17.12.2021.

-sd/-
12/11/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY
DEPARTMENT, FORT ST. GEORGE, CHENNAI.

2 THE COMMISSIONER OF TOWN PANCHAYAT,
COMMISSIONERATE OF MUNICIPAL ADMINISTRATION,
MRC NAGAR, RAJA ANNAMALAI PURAM,
CHENNAI - 600 028.

Order

in
WP.No.24268 of 2021

and WMP.No.25585 of 2021

Date :12/11/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DV(17/11/2021)