

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.10836 of 2016

S.Raguraman

.. Petitioner

vs

The Transport Commissioner,
Chepauk, Chennai-600 005.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus by directing the respondent herein to restore the petitioner's seniority as Assistant for the year 2007-08 in the light of G.O. Ms. No.368, P & AR Department dated 18.10.1993 and promote the petitioner as Assistant from the date of promotion of immediate junior with all consequential service and monetary benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.P.Chinnadurai,
Government Advocate

O R D E R

This writ petition has been filed by the petitioner, S.Raguraman, seeking a direction to the respondent to restore his seniority as Assistant for the year 2007-08 in the light of G.O. Ms. No.368, P & AR Department dated 18.10.1993 and promote him as Assistant from the date of promotion of immediate junior with all consequential service and monetary benefits.

2.The petitioner joined the service as Office Assistant on 01.12.1987 and was promoted as Junior Assistant on 21.10.2005. He was further promoted as Assistant on 10.03.2008. In view of the charges framed against him, he was reverted to the post of Junior Assistant. However, by G.O.(D) No.1108, Home Department dated 30.10.2009, the Government had dropped all further action and exonerated the petitioner from charges. Subsequently, he was promoted as Assistant on 03.02.2010 for the year 2009-10 and was further promoted as Superintendent on 25.11.2013 for the year 2013-14.

3.The grievance of the petitioner is that in view of the pendency of the departmental proceedings, his juniors were promoted to the post of Assistant for the year 2007-08. As per G.O. (Ms.) No.368, P & AR Department, dated 18.10.1993, promotion deferred should be re-opened on disposal of the charges by granting promotion by passing appropriate orders from the date of promotion of the immediate junior. In this regard, the petitioner made a representation to the respondent. Since the same has not been considered till date, he has come to this Court.

4.Learned counsel appearing for the petitioner would submit that since the said G.O. (D) No.1108, Home (Tr.II) Department, dated 30.10.2009, dropping all the charges, has not been taken into account by the respondent, ignoring the promotion to the post of Assistant on par with his juniors, a direction may be given to the respondent to consider his representation.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

6.It is not in dispute that the petitioner was facing departmental proceeding. However, by G.O. (D) No.1108, Home (Tr.II) Department, dated 30.10.2009, the Government had dropped all the charges and the petitioner was given promotion to the post of Assistant for the year 2009-10. As the grievance of the petitioner is that he was not given promotion on par with his juniors, the same deserves to be considered by the respondent. Accordingly, the respondent is directed to consider the representation of the petitioner, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order, in the light of G.O. (Ms.) No.368, P & AR Department, dated 18.10.1993.

7. Accordingly, this writ petition is disposed of. No costs.

vga

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

The Transport Commissioner,
Chepauk, Chennai-600 005.

+ 1 cc to Mr.Ravi Shanmugam Advocate, SR 18315

+ 1 cc to Govt.Pleader, High Court, Madras SR 18662

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