

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15553 of 2016

P.Dharani

... Petitioner

-Vs-

1.The Government of Tamil Nadu
rep. by its Principal Secretary to Government,
Home (Transport) Department,
Secretariat, Chennai-600 009.

2.The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai-600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent herein to consider the proposal of the second respondent dated 01.04.2015 for the promotion of the petitioner to the post of Deputy Transport Commissioner pending with the first respondent and the representations of the petitioner dated 05.11.2015 and 13.11.2015 pending with the first respondent seeking to promote the petitioner to the post of Deputy Transport Commissioner, from the date on which Thiru S.K.M.Sivakumaran was promoted to the post of Deputy Transport Commissioner by placing the name of petitioner above to the name of his junior Thiru S.K.M.Sivakumaran at appropriate place with all senior benefits.

For Petitioner : Mr.C.Selvaraj,
Senior Counsel for
Mr.A.Ganesan

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader

O R D E R

The petitioner has come to this Court, seeking a direction to the first respondent herein to consider the proposal of the second respondent dated 01.04.2015 for the promotion to the post of Deputy Transport Commissioner pending with the first respondent and his representations dated 05.11.2015 and

13.11.2015 pending with the first respondent, seeking promotion to the post of Deputy Transport Commissioner, from the date on which his junior Thiru S.K.M.Sivakumaran was promoted to the post of Deputy Transport Commissioner by placing him above the junior at appropriate place with all senior benefits.

2.The grievance of the petitioner is that he was appointed as Motor Vehicles Inspector Grade II in the Transport Department through Tamil Nadu Public Service Commission on 18.01.1988. Thereafter, he was promoted to the post of Motor Vehicles Inspector Grade I on 05.09.1994 and he was subsequently promoted as Regional Transport Officer on 23.08.2008. The petitioner's seniority has been fixed by the Tamil Nadu Public Service Commission as early in the year 1988 and his further promotions to the post of Motor Vehicle Inspector Grade I and to the post of Regional Transport Officer have been made in accordance with the above seniority. He is now working as Departmental Representative at State Transport Appellate Tribunal, which is a prerequisite qualification to be acquired prior to promotion to the post of Deputy Transport Commissioner. The person who are holding the post of Regional Transport Officer has to work in the post as Secretary or Department Representative in the State Transport Appellate Tribunal or Assistant Secretary in State Transport Authority for one year as per the service rules for qualify himself for promotion to the post of Deputy Transport Commissioner. He have completed the said norms and fully qualified for promotion to the post of Deputy Transport Commissioner. According to the service rules, the post of Deputy Transport Commissioners have to be filled up by promotion from the post of Regional Transport Officer by seniority alone. While so, as there was vacancy in Transport Department, the second respondent in his letter No.37956/T2/2014 dated 01.04.2015 has sent a proposal recommending the petitioner's name for promotion to the post of Deputy Transport Commissioner to the first respondent as per eligibility and seniority. Since the said proposal is pending for a long time, the petitioner has made representations to the first respondent on 05.11.2015 and 13.11.2015. Finding no response, he has come to this Court.

3.Learned senior counsel appearing for the petitioner sought for a direction to the first respondent to consider and pass appropriate orders on the basis of the recommendation made by the second respondent.

4.Heard the learned senior counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader, who takes notice on behalf of the respondents, sought time to consider the proposal sent by the second respondent to the first respondent.

5.Since the second respondent in his letter No.37956/T2/2014 dated 01.04.2015, has sent a proposal recommending the name of the petitioner to the post of Deputy Transport Commissioner to the first respondent as per the eligibility and seniority, this Court has no hesitation to direct the first respondent to consider the case of the petitioner, therefore, the first respondent is directed to consider the proposal sent by the second respondent and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Secretary to Government,
Government of Tamil Nadu
Home (Transport) Department,
Secretariat, Chennai-600 009.

2.The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai-600 005.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.26587

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AD(CO)
CA(05.05.2016)

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