

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.17043 of 2016

S.Parthiban

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary,
Transport Department,
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(KBM) Limited,
No.27, Railway Station New Road,
Kumbakonam Division,
Kumbakonam-612 001.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 06.04.2015, 03.02.2016 and 08.03.2016 for making promotions to the posts of Driving Instructor and also as Traffic Manager by taking into account the length of services of the petitioner and also the 5 level reviews awarded to the petitioner with effect from the date on which the juniors were promoted.

For Petitioner : Mr.V.S.Jagadeesan
For 1st Respondent : Mr.R.Vijayakumar,
Additional Government Pleader
For 2nd respondent : Mr.P.Kannan Kumar

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O R D E R

The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 06.04.2015, 03.02.2016 and 08.03.2016 for making promotions to the posts of Driving Instructor and also as Traffic Manager by taking into account the length of services of the petitioner and also the 5 level reviews awarded to the

petitioner with effect from the date on which his juniors were promoted.

2. According to the petitioner, he was selected and appointed as Driver on 19.01.1981 in the erstwhile Cholan Transport Corporation Limited, Kumbakonam, which is now functioning in the name and style of Tamil Nadu Transport Corporation Limited (Kumbakonam) Division, with its headquarters at Kumbakonam. At present, the petitioner was working as a driver and he was due to retire from service as a Special Grade Driver on 30.04.2016, on attaining the age of superannuation.

3. The further case of the petitioner is that even after completing 35 years of service and also having been awarded 5th level review, his name has not been considered for promotion to the post of Driving Instructor. While so, his juniors, namely, Mr.A.S.Chandrasekaran and Mr.S.Ramamoorthy, who were working as drivers along with him and who have been awarded only upto 3rd level review on completion of 24 years of service, have been promoted to the post of Driving Instructor by the 2nd respondent by an order dated 26.12.2012. Besides awarded 5th level review, the petitioner has also been awarded special grade w.e.f. 01.05.2001. But promotion was denied to him stating that a criminal case is pending against him. The petitioner has also obtained stay of the said proceedings by filing CrI.O.P.(MD) No.6569 of 2009 before the Madurai Bench of Madras High Court.

4. Further, according to the petitioner, the persons, namely, D.Sekar and S.Kalimuthu, who are standing on the same footing as that of the petitioner, were considered for promotion and promoted to the higher posts. But the case of the petitioner has not been considered for promotion. Hence, he has given representations to the respondents on 06.04.2015, 03.02.2016 and 08.03.2016 in this regard. Since the same have not been considered, the petitioner is before this Court with this Writ Petition.

5. Heard the learned Counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Counsel appearing for the 2nd respondent.

6. Considering the limited scope of the prayer made by the petitioner, without expressing any opinion about the merits of the matter, the Writ Petition is disposed of by directing the respondents to consider the representation of the petitioner dated 08.03.2016 followed by the representations dated 06.04.2015 and 03.02.2016 and to pass appropriate orders on the

same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Transport Department,
State of Tamil Nadu
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(KBM) Limited,
No.27, Railway Station New Road,
Kumbakonam Division,
Kumbakonam-612 001.

+1 cc to M/s.V.S.Jagadeesan Advocate sr.28240

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