

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23870 of 2016

S.Senthil

... petitioner

Vs

- 1 The Secretary to Government
of Tamil Nadu Home (Transport) Department
Fort St. George Chennai-9.
- 2 The Commissioner for
Disciplinary Proceedings Coimbatore.
- 3 The Commissioner for Transport
Ezhilagam Chepauk Chennai-5. ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus directing the respondents to consider the claim of the petitioner for promotion as Motor Vehicle Inspector Gr.I for the ensuing panel of the year 2016-2017 without reference to the Disciplinary Proceedings initiated against the petitioner pending on the file of Commissioner for Disciplinary Proceedings Coimbatore in TDP Case No.5/2014 in Roc No.305/ 2014/A2 dated 2.9.2014 and promote him as Motor Vehicle Inspector Gr.I and grant him all consequential service and monetary benefits within a reasonable time.

For petitioner

... Mr.M.Muthappan

For respondents

... Mr.M.Digvijayapandian, A.G.P.

O R D E R

Heard Thiru.M.Muthappan, learned counsel for the petitioner and Thiru.M.Digvijayapandian, learned Additional Government Pleader, for the respondents.

2. With the consent of both the sides, the Writ Petition is taken up for disposal.

3. The petitioner is at present working as a Motor Vehicle Inspector Grade II and he is eligible to be promoted as Motor Vehicle Inspector Grade I. However, because of disciplinary proceedings initiated against him in TDP No.5/2014, in which the petitioner has been arrayed as third accused Officer, the

petitioner's case has not been considered for promotion and accordingly, an order was passed on 1.4.2015, deferring his name. Thereafter, the petitioner submitted a representation on 2.4.2015, requesting that TDP No.5/2014 may be concluded within a reasonable time, so as to enable him to seek for promotion to the post of Motor Vehicle Inspector Grade I. Since the representation was not considered, the petitioner filed a Writ Petition before this Court in W.P.No.11158 of 2015, praying for a direction upon the Commissioner for Disciplinary proceedings to conclude the matter within a reasonable time. The Court after hearing the learned Government Advocate appearing on behalf of the respondent, disposed of the Writ Petition by order dated 17.4.2015, with a direction to complete the pending departmental proceedings within one year from the date of receipt of a copy of the order. In spite of lapse of one year, the matter is yet to attain finality and from the nearing notice, it is seen that the case has been adjourned to 4.12.2015, 22.1.2016, 22.2.2016, 4.3.2016, 11.3.2016 and 10.6.2016. Even on 10.6.2016, it appears that the matter has not attained finality.

4. It may be true that there are several accused officers in the case. Nevertheless, this Court in the earlier Writ Petition filed by the petitioner has fixed an outer time limit. Therefore, two options were available for the Commissioner for Disciplinary Proceedings, Coimbatore. One is to conclude the proceedings within the time fixed or to seek for extension of time. Both the options have not been exercised by the Commissioner for Disciplinary Proceedings. In the light of the above facts, this Court is of the view that the petitioner should be permitted to submit a representation to the third respondent setting out the above facts and requesting that petitioner's case may be considered for promotion to the post of Motor Vehicle Inspector Grade I, without reference to the pendency of T.D.P.No.5/2014. When the petitioner submits such a representation, enclosing a copy of this order, the same shall be considered by the third respondent and orders shall be passed on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs. W.M.P.No.20486 of 2016 is closed.

Sd/-
Assistant Registrar(CS V)

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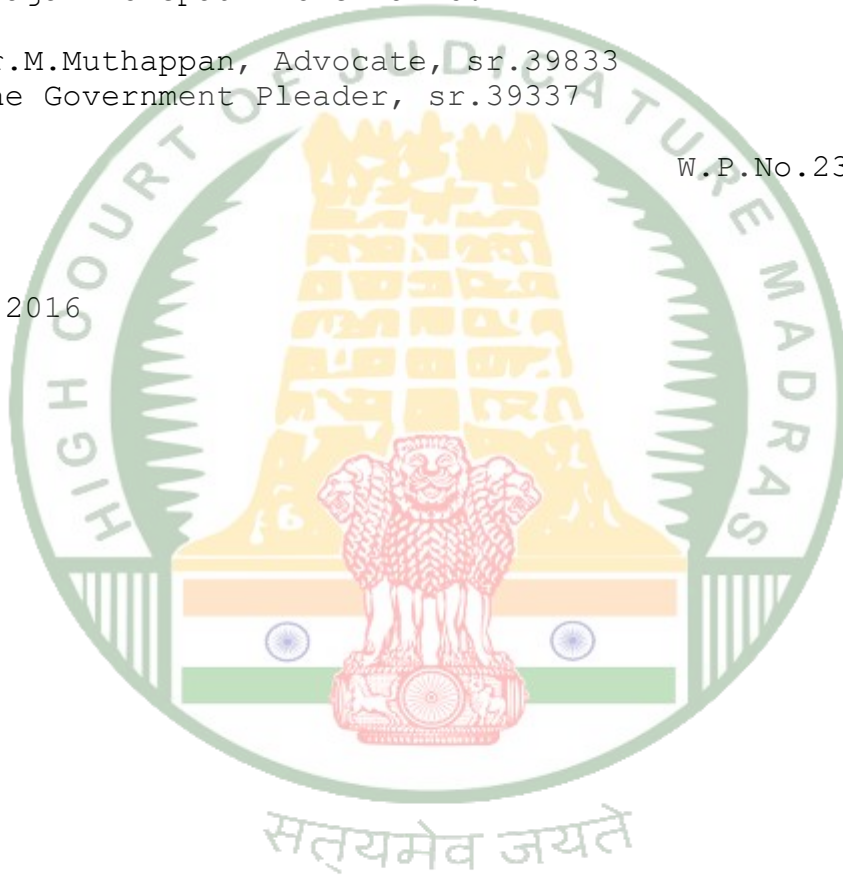
Sub Assistant Registrar

To

- 1 The Secretary to Government
of Tamil Nadu Home (Transport) Department
Fort St. George Chennai-9.
 - 2 The Commissioner for
Disciplinary Proceedings Coimbatore.
 - 3 The Commissioner for Transport
Ezhilagam Chepauk Chennai-5.
- 1 cc to Mr.M.Muthappan, Advocate, sr.39833
1 cc to The Government Pleader, sr.39337

W.P.No.23870 of 2016

gj ii co
kra 05.08.2016



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