

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.24827 of 2016

M.Ramaiah Pillai

... Petitioner

Vs.

1. The Secretary to the Government
of Tamilnadu,
Transport Department, Secretariat,
Chennai - 600 009.

2. The Managing Director,
State Express Transport
Corporation Tamilnadu Ltd.,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the 2nd respondent to consider the representation of the petitioner dated 23.05.2016, seeking promotions to the petitioner to the posts of Superintendent from 08.06.2006 and Senior Superintendent from 25.05.2012, in line with the Junior to the Petitioner, Mr.S.Rajendran was promoted already.

For Petitioner : Mr.R.Ramachandran

For Respondents : Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. The petitioner has been working in the second respondent Transport Corporation for the past 35 years and he is now working as a Senior Grade Senior Assistant in the said Transport Corporation. He was issued with a charge memo dated 26.04.2002 pertaining to the Housing Society, where he was a Director. The

petitioner gave an explanation to the said charge memo on 29.07.2002. However, disciplinary proceedings have been initiated against the petitioner and a criminal case had also been filed against the petitioner. While so, his junior one S.Rajendran had been promoted as Superintendent with effect from 08.06.2006 on completion of the training on Leadership Development Course and he was further promoted as Senior Superintendent with effect from 25.05.2012. In the said criminal case, the 2nd Metropolitan Magistrate Court, Egmore, on 23.09.2014, acquitted the petitioner from the criminal case. Thereafter, the petitioner made representations to the second respondent on 01.10.2014 and 08.01.2015, seeking promotion to the post of Superintendent and Senior Superintendent on par with his junior S.Rajendran. As the said representations were not considered by the second respondent, the petitioner filed a writ petition in W.P.No.8347 of 2016. This Court, by an order dated 07.03.2016, held that the request made by the petitioner cannot be accepted and dismissed the writ petition directing the disciplinary authority to proceed with the disciplinary proceedings and pass orders within six months and also directed the petitioner to co-operate with the same. Thereafter, the second respondent passed final order on 31.03.2015, dropping the charges levelled against the petitioner. In view of charges having been dropped, the petitioner made a representation dated 23.05.2016 to the second respondent seeking promotion to the post of Superintendent with effect from 08.06.2006 and Senior Superintendent from 25.05.2012 on par with his junior, but, the same was not considered by the second respondent. Hence, the petitioner has filed the present writ petition seeking to consider the representation made by him.

3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

4. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if the second respondent is directed to consider his representation and pass appropriate orders.

5. The learned Standing Counsel for the respondents has got no serious objection for directing the 2nd respondent to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court directs the 2nd respondent, to consider the representation of the petitioner, dated 23.05.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ogy

To

1. The Secretary to the Government
of Tamilnadu,
Transport Department, Secretariat,
Chennai - 600 009.
2. The Managing Director,
State Express Transport
Corporation Tamilnadu Ltd.,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.41400
+1cc to Mr.R.Ramachandran, Advocate, S.R.No.40372
+1cc to the Government Pleader, S.R.No.40858

W.P.No.24827 of 2016

NR(CO)
CA(23/08/2016)

सत्यमेव जयते

WEB COPY