

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.26203 of 2016

T.Nagarajan

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
(Nagercoil Region),
23/2, Thoothukudi Road,
Vannarpettai,
Tirunelveli-627 003.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.07.2016 based on the G.O.(Ms) No.79, Transport (C1) Department, dated 30.06.2015 and to promote the petitioner to the post of Superintendent within a time fixed by this Court.

For Petitioner	:	Mr.V.S.Jagadeesan
For 1st Respondent	:	Mr.S.Gunasekaran, Additional Government Pleader
For 2nd respondent	:	Mr.P.Paramasivados

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 representation dated 22.07.2016 based on the G.O.(Ms) No.79, Transport (C1) Department, dated 30.06.2015 and to promote the petitioner to the post of Superintendent within a time fixed by

this Court.

2. According to the petitioner, he was selected for appointment to the post of Store Assistant on 23.06.1980 in the erstwhile Transport Corporation Limited, Chennai. Subsequently, he was transferred to Tamil Nadu State Transport Corporation (Tirunelveli) limited, Nagercoil Region and posted to Accounts Section at the head office. Lastly, he was working in the cadre of Special Grade Record Clerk and allotted Staff No.3841 and he attained superannuation and retired on 31.07.2016.

3. Further, according to the petitioner, there are two categories of personnel discharging the clerical duties, namely, Working Group and Miscellaneous Group. The Government of Tamil Nadu has issued G.O.Ms.No.79, Transport (C) Department, dated 30.06.2015, wherein it has regulated the promotion of personnel to the post of Superintendent between the working group and miscellaneous group in the ratio of 2:1 and this Court granted interim stay for implementation of the said Government Order and later on, the said order was modified by this Court by order dated 11.07.2016 in W.P.Nos.2021 to 2023 and 1768 of 2016 and WMP.Nos.1759, 1761, 1763 and 1552 of 2016 which reads as follows:

'These Writ Petitions have been filed to quash the G.O.(Ms.) No.79 Transport (C1) Department dated 30.06.2015 and the consequential order dated 10.08.2015 in Lr.No.10237/C1/2015-1. The W.M.P.Nos.1759,1761,1763 and 1552 of 2016, seeking to pass an order of interim stay of the said G.O.

2. Considering the submission of the parties and also the stay order passed by this Court in W.P.No.33305 of 2015 on 09.10.2015, granted interim stay of the G.O.(Ms.)No.79, Transport (C1) Department dated 30.06.2015 and the consequential order dated 10.08.2015 in Lr.No.10237/C1/2015-1. Since the interim order effects large number of persons, the parties seek for modification of the stay order granted by this Court on 20.01.2016 and 21.01.2016 in W.M.P.Nos.1552, 1761 and 1763 of 2016. The modification is sought for, as an interim arrangement alone.

3. Heard all the parties.

4. First of all, it is made very clear that based on the orders of this Court in these Writ Petitions, any promotion given to the post of Superintendent shall be subject to the result of the Writ Petitions. The petitioners in the W.P.No.1768 of 2016 are considered in W.P.Nos.2021 to 2023 of 2016, since they are Law

Graduates, they have one another avenue as Office Superintendent (Legal). It is made very clear that the Office Superintendent has to be verified. In this also, any appointment made would be subject to the result of the Writ Petition.

5. Admit. Notice to the respondents, returnable, by four weeks.'

4. The grievance of the petitioner is that in this regard, he has sent a representation dated 22.07.2016 to the respondents, but the same has not been considered.

5. Heard both sides.

6. Considering the facts and circumstances, this Court without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 22.07.2016 on merits and in accordance with law and also in the light of G.O.Ms.No.79, Transport (C) Department, dated 30.06.2015, within a period of six weeks from the date of receipt of a copy of this Order.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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सत्यमेव जयते

To

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.

WEB COPY

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
(Nagercoil Region),
23/2, Thoothukudi Road,
Vannarpettai,
Tirunelveli-627 003.

+1 CC to M/s. V.S. Jagadeesan, Advocate Sr.No.52278
+1 CC to M/s. P. Paramasiva Doss, Advocate Sr.No.52673
+1 CC to Govt., Pleader, High Court, Madras Sr.No.52537

W.P.No.26203/2016

ARSK (CO)
MD : 06/10/2016



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