

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.27213 of 2016

C.Natarajan

.. Petitioner

Versus

1. The Principal Secretary to Government
Home (Transport-II) Department
Fort St. George, Chennai-600 009.
2. The Principal Secretary/Transport Commissioner
Chepauk,
Chennai-600 005.

.. Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.10.2013 seeking promotion to the post of Regional Transport Officer retrospectively from the date on which his immediate junior was promoted as Regional Transport Officer restoring his original seniority pending with him and promote the petitioner to the post of Regional Transport Officer accordingly, within a reasonable time as fixed by this Court.

For Petitioner : Mr.A.Ganesan
For Respondents : Mr.S.Guna Sekaran
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 23.10.2013, seeking promotion to the post of Regional Transport Officer retrospectively from the date on which his immediate junior was promoted as Regional Transport Officer restoring his original seniority pending with him and promote the petitioner to the post of Regional Transport Officer accordingly, within a reasonable time as fixed by this Court.

2. The case of the petitioner is that there were four disciplinary cases pending against him. The disciplinary case covered in charge memo dated 22.09.2004 issued by the Regional Transport Officer, Trichy was subsequently dropped by the 2nd respondent by an order dated on 11.03.2011. The second disciplinary case in charge memo dated 07.01.2008 of the second respondent was set aside by this Court by an order dated 18.11.2010 in WP No. 1236 of 2008. The order dated 18.11.2010 in WP No. 1236 of 2008 was also implemented by order dated 06.05.2011 of the second respondent. The third disciplinary proceedings ordered by the first respondent in G.O.(D) No.900, Home (Tr.II) department dated 08.09.2009 was also set aside by this Court by order dated 01.11.2010 in WP No. 16389 of 2010 which was implemented by the Government by issuing G.O. (D) No. 504, Home (Tr.II) Department dated 02.06.2011.

3. While the facts are so as stated above, the petitioner was suspended from service based on registration of a Criminal case against him. The said suspension order was revoked by the second respondent on 12.08.2013 based on the orders of this Court on 03.07.2013 in Crl.OP No. 16803 of 2013, whereby the first information report registered against the petitioner itself was quashed.. Therefore, according to the petitioner, as on date, there is no disciplinary case or criminal proceedings against him and he is fully qualified for being promoted to the post of Regional Transport Officer. According to the petitioner, he is entitled for such promotion retrospectively from the date on which his immediate junior was promoted. Reiterating the above, the petitioner submitted a representation to the first respondent on 23.10.2013, seeking promotion as Regional Transport Officer by restoring his original seniority. As the representation dated 23.10.2013 of the petitioner has not been considered, the petitioner has come forward with this petition seeking for the aforesaid relief.

4. Heard both sides.. Having regard to the above facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the representation of the petitioner, dated 23.10.2013, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

arr/rsh

To

1. The Secretary
The Government of Tamil Nadu,
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai-600 009.

2. The Principal Secretary
Transport Commissioner
Chepauk, Chennai 5

+1 CC to Mr. C. Prakasam, Advocate Sr.No.48569

+1 CC to Govt., Pleader Sr.NO.48989

WP No.27213 of 2016

GJ (CO)
MD : 19/09/2016

सत्यमेव जयते

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