

In the High Court of Judicature at Madras

Dated : 16.08.2016

Coram :

The Honourable Mr.Justice B.RAJENDRAN

Writ Petition No.28461 of 2016

P.Suresh

...Petitioner

Vs

1 The Government of Tamilnadu
rep.by its Principal Secretary to Government
Home (Transport) Department
Secretariat
Chennai-600 009.

2 The Principal Secretary/Transport Commissioner
Chepauk, Chennai-600 005 ...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus, to direct the
respondents herein to consider the petitioner's representation,
dated 30.6.2016, to promote him to the post of Deputy Transport
Commissioner.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

The petitioner seeks for the issuance of a Writ of
Mandamus, to direct the 1st respondent to consider the
representation of the petitioner, dated 30.06.2016, for
promotion to the post of Deputy Transport Commissioner.
According to the petitioner, seven Deputy Transport Commissioner
posts are lying vacant as on today. The grievance of the
petitioner is that his junior S.K.M.Sivakumaran was given
promotion as Deputy Transport Commissioner on the basis of the
order passed by this Court in W.P.No.15889 of 2013, dated
19.02.2014. Therefore, there is no harm in directing the 1st
respondent to consider the petitioner's representation, dated
30.06.2016, while the SLP (C) No.28670 of 2015 filed by the
Government, as against the order passed by the Division Bench of
this Court in W.A.No.302, 425 & 855 of 2014, is pending before

the Hon'ble Supreme Court.

2. Mr.A.Kumar, the learned Special Government Pleader, who took notice on behalf of the respondents, on instructions, would contend that the Government has already filed a Special Leave petition before the Hon'ble Supreme Court in SLP (C) No.28670 of 2015 as against the order passed by the Division Bench of this Court in W.A.No.302, 425 & 855 of 2014 with regard to fixation of seniority. Ultimately, the seniority may change pursuant to the order of the Hon'ble Supreme Court. Even temporary promotion given to one Thiru. S.K.M.Sivakumaran was on account of contempt proceedings.

3. Heard the learned counsel for the petitioner and the learned Special Govt. Pleader for the respondents and perused the records.

4. Considering the fact that no stay has been granted by the Hon'ble Supreme Court, in the light of the judgment passed by the Division Bench of this Court in W.A.No.302, 425 & 855 of 2014, dated 28.05.2015, the 1st respondent is directed to consider the representation of the petitioner, dated 30.06.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, after giving opportunity to the petitioner as well as any other persons who may be affected by the order that would be passed by the 1st respondent.

5. The Writ Petition is disposed of with the above directions. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1 The Principal Secretary to Government
The Government of Tamilnadu
Home (Transport) Department
Secretariat, Chennai-600 009
- 2 The Principal Secretary/Transport Commissioner
Chepauk, Chennai-600 005

+1 cc to Mr.C.Prakasam Advocate sr 46527/16

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