

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33082 of 2016

K.Rajapandian

... Petitioner

Vs.

M/s.State Express Transport Corporation Limited,
Represented by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to treat the petitioner deemed to have been promoted as Selection Grade Senior Assistant Engineer with effect from 31.01.2010 as the petitioner put up 22 years of service as mandated by the G.O.(Ms).No.13, Transport (C1) Department, dated 14.01.2000 pursuant to the settlement under section 18(1) of Industrial Dispute Act by considering the petitioner's representations dated 09.12.2015 and 19.08.2016.

For Petitioner : Mr.D.Soundarraaj

For Respondent : Mr.P.Kannan Kumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondent to treat the petitioner as deemed to have been promoted as Selection Grade Senior Assistant Engineer with effect from 31.01.2010 as the petitioner has put up 22 years of service as mandated by the G.O.(Ms).No.13, Transport (C1) Department, dated 14.01.2000 pursuant to the settlement under Section 18(1) of the Industrial Dispute Act by considering the petitioner's representations dated 09.12.2015 and 19.08.2016.

3.The petitioner was appointed as Company Trainee on 29.05.1986 and on successful completion of training, was appointed as Junior Engineer vide order dated 01.02.1988. The petitioner has completed B.E., (Electrical and Electronics) Degree and also completed Supervisory Examination conducted by the Institute of Road Transport, which is mandatory for promotion of Assistant Manager, but was not

promoted as Assistant Engineer from 1994 i.e., from the date of acquiring the B.E.Degree, as per Rule 59(b) and 59(c) of the Common Service Rule.

4.Though very many contentions have been raised in the writ petition and though it has been filed for a larger relief, the learned counsel appearing for the petitioner at the time of making submissions submitted that if a direction is given to the respondent to consider the representations dated 09.12.2015 and 19.08.2016 given by the petitioner, that would suffice.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who takes notice for the respondent.

6.Considering the submissions made by the learned counsel appearing for the petitioner, this Court feels that there is no need to deal with the entire averments made in the affidavit filed in support of this petition. Hence, without going into the merits of the case, this Court directs the respondent to consider the representations dated 09.12.2015 and 19.08.2016 given by the petitioner, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

The Managing Director,
M/s.State Express Transport Corporation Limited,
No.2, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.D.Soundarraaj, Advocate Sr.53379
+1cc to Mr.P.Kannan Kumar, Advocate Sr.53622

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GR (CO)
RVR 22/10/2016