

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43502/2016

N.Vijayakumar ..Petitioner

Vs.

- 1.The Principal Secretary to Government
Home [Tr-IV] Department, Fort St
George, Chennai 600 009.
- 2.The Transport Commissioner
Chepauk, Chennai 600005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to pass orders on the proposal sent by the 2nd respondent herein for relaxation of Rules so as to promote the petitioner as Motor Vehicle Inspector [NT] for the year 2011-2012 and as Personal Assistant for the year 2012-2013 from the date of promotion of immediate junior with all consequential service and monetary benefits within stipulated time to be fixed by this Court.

For Petitioner : Mr.Ravi Shanmugam
For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner while working as Assistant in the Office of the Regional Transport Officer, Chennai [South], was visited with Disciplinary Proceedings under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules and charges were framed against him alleging certain irregularities and he was imposed with a punishment of stoppage of increment

for one year with cumulative effect vide G.O.[D] No.716, Home [TR.II] Department dated 31.07.2009. The petitioner, aggrieved by the said punishment, filed a review petition before the Government and while the Disciplinary Proceedings were pending, his name was deferred for promotion for the year 2007-2008 for the post of Superintendent. Subsequently, the charges have been set aside by the Government vide G.O.[D] No.295, Home [TR.II] Department dated 09.05.2013. The Transport Commissioner, vide proceedings dated 16.02.2015, has restored the original seniority of the petitioner in the cadre of Assistant by placing the petitioner below Serial No.19 and Serial No.20, by assigning Serial No.19A and his promotion as Superintendent notionally to take effect from 29.02.2008-the date on which, his junior Tmt.U.Muthulakshmi, was promoted and his pay was also to be refixed under Fundamental Rule 27 in the cadre of Superintendent. In this regard, a proposal has been sent to the Government for relaxation of Rule 5 of the Adhoc Rules framed for the post of Motor Vehicle Inspector [NT] in favour of the petitioner so as to enable him to be included in the panel for Motor Vehicle Inspector [NT] for the year 2011-2012 on par with his junior Muthulakshmi. The grievance expressed by the petitioner is that the said proposal is still pending with the Government and as such, the petitioner's name has not been included in the panel for promotion to the post of Motor Vehicle Inspector [NT] for the year 2011-2012 and for the post of Personal Assistant for the year 2012-2013 and therefore, the petitioner came forward to file the present writ petition.

3 Mr.Ravi Shanmugam, learned counsel for the petitioner has drawn the attention of this Court to the proceedings of the 2nd respondent dated 05.12.2016 and would submit that though a positive recommendation has been made in the above cited proceedings, the 1st respondent is yet to pass orders and as a consequence, the petitioner's is not included in the panel for Motor Vehicle Inspector [NT] for the year 2011-2012 and in the panel for the post of Personal Assistant for the year 2012-2013 and prays for appropriate orders.

4 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claims projected by the petitioner, directs the 1st respondent to act on the proposal submitted by the 2nd respondent dated 05.12.2016 in Proc.R.No.10958/R1/2016 [E.O.No.328/2016], for inclusion of the petitioner's name in the panel for the post of Motor Vehicle Inspector [NT] for the year 2011-2012 and in the panel for the post of Personal Assistant for the year 2012-2013 on merits and in accordance with law and pass orders within a period of ten

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ap
To

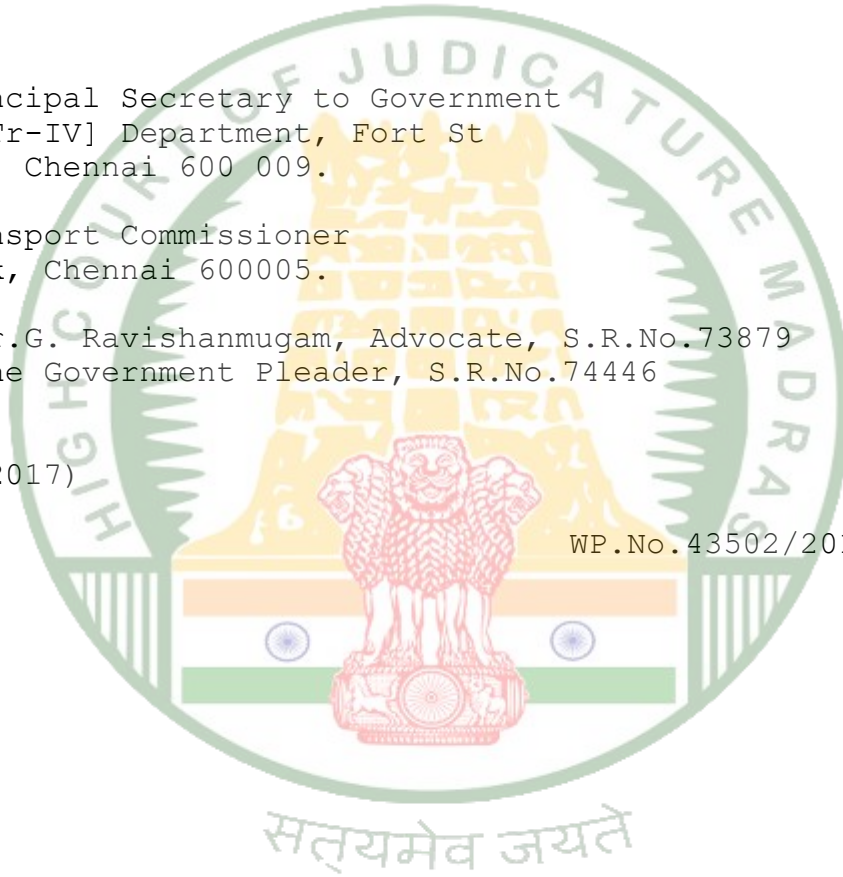
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George, Chennai 600 009.

2.The Transport Commissioner
Chepauk, Chennai 600005.

+1cc to Mr.G. Ravishanmugam, Advocate, S.R.No.73879
+1cc to the Government Pleader, S.R.No.74446

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