



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17322 of 2016

K.P.Ramasamy

... Petitioner

-vs-

1.The Transport Commissioner,
Chepauk, Chennai - 5.

2.The Regional Transport Officer,
Tenkasi, Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's case for promotion to the post of Office Assistant as done in the case of his junior Mrs.M.Manonmani based on his representation dated 26.07.2016 and pass orders on it within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.M.Alagadevan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to consider the petitioner's case for promotion to the post of Office Assistant, as done in the case of his junior M.Manonmani based on his representation dated 26.07.2016.

2.Heard Mr.K.Gurunathan, learned counsel for the petitioner and Mr.M.Alagadevan, learned Special Government Pleader, who takes notice for the respondents. By consent, the writ petition itself is taken for final disposal at the stage of admission.

3.The case of the petitioner is that the petitioner has been appointed as a Water Carrier in the Regional Transport Office, Tirunelveli by the proceedings dated 23.06.1998 on daily wages as a Water Carrier discharging 15 years of service as contingent worker, his service was regularised by the proceedings of the second respondent dated 04.06.2014 and thereby he was brought under



special time scale of pay. As the petitioner has possessed of the required educational and service qualification, he is entitled to get promotion as an Office Assistant. But he has not been considered for promotion as Office Assistant despite availability of vacancies. Therefore, he sent a representation to the respondents. Since the said representation has not been considered so far, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner would submit that one M.Manonmani, who is the junior to the petitioner was promoted by the first respondent as an Office Assistant by the proceedings dated 19.02.2016 and therefore, the case of the petitioner should be considered as done in the case of his junior.

5.The learned Special Government Pleader is agreeable to consider the representation of the petitioner dated 26.07.2016.

6.In view of the submission made by the learned Special Government Pleader, the first respondent is directed to consider the representation of the petitioner dated 26.07.2016 within a period of one month from the date of receipt of a copy of this order and pass orders on merits and in accordance with law.

7.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)No.12576 of 2016 is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The Transport Commissioner,
Chepauk, Chennai - 5.

2.The Regional Transport Officer,
Tenkasi, Tirunelveli.

+1cc to Mr.K.Gurunathan, Advocate Sr.No.52024

+1cc to special Government Pleader SR.No.52855

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