



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.12.2016

C O R A M

**THE HONOURABLE DR.JUSTICE S.VIMALA**

WEB COPY

Writ Petition (MD) No.23346 of 2016

A.Balasubramanian

.. Petitioners

Vs.

1.The Principal Secretary to Government,  
Transport Department,  
Fort St.George, Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu State Express Transport  
Corporation (Tamil Nadu) Ltd.,  
Pallavan Salai, Chennai.

.. Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 29.4.2016 and consequently to refix the petitioner date of promotion as October 2007 and to fix the seniority accordingly.

|                |     |                     |
|----------------|-----|---------------------|
| For petitioner | ... | Mr.K.S.Muthu        |
| For R1         | ... | Mr.M.Murugan        |
|                |     | Government Advocate |
| For R2         | ... | Mr.K.Sathiyasingh   |

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### O R D E R

This is a writ of Mandamus seeking direction to the second respondent to consider the representation of the petitioner, dated 29.4.2016 and consequently to refix the petitioner's date of promotion as October 2007 and to fix the seniority accordingly.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner was appointed as Superintendent in the respondents Corporation on 01.07.1987 and he was promoted as Section Officer on 02.07.1999. As per the Common Service Rules applicable to the Transport Corporation, after completing six years of service, the Section Officer has to be elevated to the post of Assistant Manager. But the petitioner was promoted only after nine years of service as Assistant manager with effect from



3.1.The grievance of the petitioner is that the second respondent fixed the seniority list fixing the petitioner's seniority list as Serial No.17, whereas the juniors to the petitioner in service in Serial Nos.23 and 28 were promoted before the petitioner's promotion. So stating the petitioner has given a representation dated 29.04.2016 to the respondents. Since the same has not been considered so far, the present writ petition has been filed.

3.2. The learned counsel appearing for the second respondent submitted that it is agreeable for the second respondent to consider the representation and to pass orders.

4.The second respondent is directed to consider the representation of the petitioner, dated 29.04.2016 and to pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,  
Transport Department,  
Fort St.George, Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu State Express Transport  
Corporation (Tamil Nadu) Ltd.,  
Pallavan Salai, Chennai.

+2 cc's to Mr.K.Sathiya Singh, Advocate, SR.No:78199 & 79377

+1cc to Special Govt. Pleader, SR.No:79470

rj2

AE/MR VB/2p/6c/07.02.2017

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