

IN THE HIGH COURT OF JUDICATURE AT MADRAS'

Dated : 22.02.2017

CORAM

The Hon'ble Mr.Justice M.Sathyannarayanan

W.P.No.4365 of 2017

1. S.Perumal
2. N.P.Gunaseelan ... Petitioners

Vs.

1. The Director,
Institute of Road Transport,
Taramani, Chennai - 600 113.
2. The Principal
Institute of Road and
Transport Technology,
Erode - 638 316. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the respondents to redesignate as Junior Assistant from the date of regularisation of their service w.e.f. 01.07.1989 and to promote the petitioners herein pursuant to the order of this Court passed in W.P.No.3017/1993, dated 16.06.2014, which was confirmed by the Hon'ble Supreme Court, in S.L.P.No.19495 of 2006, as in the case of juniors of the petitioners with all attendant benefits.

For Petitioner : Mr.R.Kannan
For Respondents : Mr.R.A.S.Senthil Vel
Additional Government Pleader

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O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioners would aver that they were selected and joined the services of the Institute of Road Transport, Taramani, Chennai 600113, as Clerical Trainee on a consolidated pay, instead of Junior Assistant. According to them, they are similarly placed like that of the petitioners in W.P.No.3017 of 1993, in the case of (A.Chandrasekaran, and three others Vs. The Director, Institute of Road Transport, Taramani and another) and the Writ Petition came to be allowed on 16.06.2014, with a direction that they should be blessed with the benefit of equal

pay for equal work. The Official respondents, who are also respondents in this Writ Petition, made a challenge, by filing a Writ Appeal, in W.A.No.3896 of 2004, which was dismissed on 04.07.2006. So also the Special Leave Petition, in S.L.P No.19495 of 2006, vide order, dated 21.04.2014.

3. Mr.R.Kannan, the learned counsel appearing for the petitioners would submit that, since the petitioners are similarly placed like that of the writ petitioners in W.P.No.3017 of 1993, the petitioners submitted a representation dated 19.11.2015, to the second respondent through proper channel, and it was received and acknowledged on 20.11.2015, and the second respondent also sent a communication, dated 14.11.2016, stating that this representation will be considered in accordance with Majority Service Rules and Regulations. It is further submitted by the learned counsel that despite lapse of nearly two months, no response is forthcoming from the second respondent. Hence, the petitioners came forward to file this Writ Petition.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of respondents would submit that the claim of the petitioners is hit by delay and laches, and as such, they cannot claim similar benefit, as has been extended to the petitioners in W.P.No.3017 of 1993, and prays for dismissal of the Writ Petition.

5. This Court heard the rival submissions and also perused the typed-set of documents.

6. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances, and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioners representations, dated 21.10.2016, as to the conferment of earlier benefit extended to the petitioners in W.P.No.3017 of 1993, and after putting the concerned persons on notice, shall 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, and communicate the decision taken, to the petitioner as well as to the persons concerned.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Director,
Institute of Road Transport,
Taramani, Chennai - 600 113.

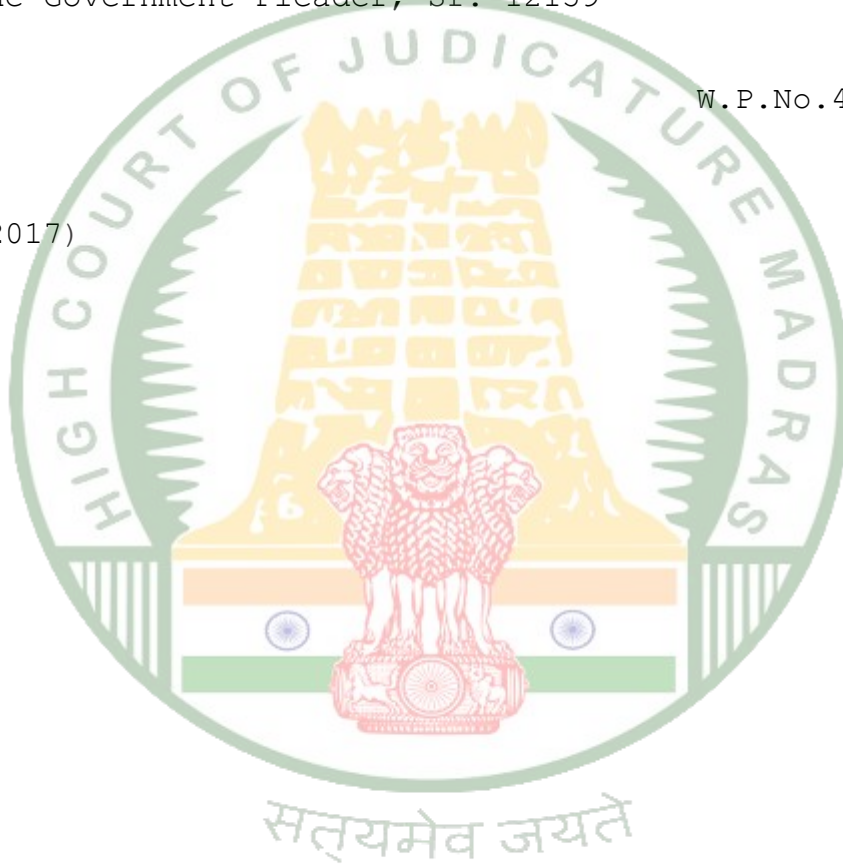
2.The Principal
Institute of Road and
Transport Technology,
Erode - 638 316.

+1cc to M/S. R. Kannan, Advocate Sr. 11654

+1cc to the Government Pleader, Sr. 12159

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