

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.04.2017

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THE HON'BLE MR.JUSTICE **T.RAJA**

W.P.No.7912 of 2017

M.Manakumar

.. Petitioner

VS

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home (Transport) Department,
Secretariat, Chennai-600 009.

2.The Transport Commissioner,
Chepauk, Chennai-600 005.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to promote the petitioner notionally as Regional Transport Officer and Deputy Transport Commissioner from the date on which his immediate senior D.Dharani and to include the petitioner in the list for promotion to the post of Joint Transport Commissioner and confer all the consequential benefits, by considering the representation dated 03.02.2017 made by the petitioner.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner joined as Motor Vehicle Inspector Grade II through Tamil Nadu Public Service Commission on 11.04.1988. He was further promoted as Motor Vehicle Inspector Grade I on 26.08.1994. His next avenue of promotion is to the post of Regional Transport Officer. In view of registration of criminal case against him, he was denied the said promotion. Subsequently, he was also issued with the Charge Memo dated 07.02.2008. Finally, the Enquiry Officer has given a finding that charges are not proved. Pursuant to the same, the departmental proceedings were dropped on 27.01.2017. By judgment dated 31.03.2015, the Criminal Court, after going through the records, has acquitted the petitioner. After acquittal as well as dropping of disciplinary proceedings, the petitioner has made a representation to the respondents on 03.02.2017 requesting to give promotion from the date on which his junior was promoted.

2.Learned counsel for the petitioner would submit that if any promotion is denied on the ground of pendency of charges and on acquittal, he should be given the benefits from the date on which his junior was promoted. However, the respondents have not considered and passed any order till date on the representation made by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Since both departmental proceedings and criminal proceedings ended in favour of the petitioner, this Court has no hesitation to give a direction to the respondents. Therefore, the respondents are directed to consider the representation dated 03.02.2017 given by the petitioner and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

04.04.2017

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T.RAJA, J.

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To

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home (Transport) Department,
Secretariat, Chennai-600 009.

2.The Transport Commissioner,
Chepauk, Chennai-600 005.

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