

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 18.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1228 of 2017

and W.M.P.No.1163 of 2017

P.Rajendran

... Petitioner

-Vs-

1. The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Home (Transport-II) Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner for Disciplinary Proceedings,
Tribunal for Disciplinary Proceedings,
Tiruchirapalli.
3. The Principal Secretary / Transport Commissioner,
Chepauk, Chennai - 600 005. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st and 3rd respondents to consider the representation of the petitioner dated 03.12.2016 requesting to include the petitioner's name in the promotion list for promotion to the post of Regional Transport Officer for the year 2014-2015 for promoting the petitioner to the post of Regional Transport Officer without reference to the charge memo issued to the petitioner by the 2nd respondent in TDP case No.15 of 2007 in Rc.No.270/2006/A1 dated 29.06.2007.

For Petitioner : Mr.C.Selvaraj,
Senior Counsel
for Mr.A.Ganesan

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner, while working as Motor Cycle Inspector Grade-I, was visited with departmental proceedings in the form of charge memo in T.D.P. Case No.15 of 2007 in Rc.270/2006/A1 dated 29.06.2007 issued by the 2nd respondent. The petitioner along with four others, made a challenge to the said proceedings by filing W.P.No.12197 of 2012 batch etc. By a common order dated 14.09.2012, the disciplinary proceedings came to be quashed. Challenging the legality of the same, the official respondent filed W.A.(MD)No.585/2014 and similarly, they filed W.A.(MD)Nos.2407/2012 and 4068/2008 and obtained interim orders and the Writ Appeals are pending disposal. The petitioner submitted a detailed representation dated 03.12.2016 through proper channel to the 1st and 3rd respondents praying for consideration of his claim for promotion to the post of Regional Transport Officer and for inclusion of his name in the panel without reference to the charge memo dated 29.06.2007 on the ground that it has been quashed and despite receipt and acknowledgment, the said representation having not been disposed of, he came forward to file the writ petition.

3. Mr.C.Selvaraj, learned senior counsel assisted by Mr.A.Ganesan, would submit that admittedly, the writ petition filed by the petitioner was allowed quashing the department proceedings initiated against the petitioner in T.D.P.No.15 of 2007 and the same is yet to be set aside and as such, there cannot be any impediment on the part of the respondents 1 and 3 to include his name in the panel for promotion to the post of Regional Transport Officer without reference to the pendency of W.A.(MD) No.585/2014 and prays for appropriate orders.

4. Per contra, R.A.S.Senthilvel, learned Additional Government Pleader would submit that admittedly the writ appeals are pending and interim order are also in operation and the petitioner, as a matter of right, cannot insist for inclusion of his name in the panel for promotion to the post of Regional Transport Officer 2014-2015 and prays for dismissal of the writ petition.

5. This Court, considered the rival submissions and also perused the materials available on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in the representation or in the writ petition,

directs the respondents 1 and 3 to consider the representation of the petitioner dated 03.12.2016 on merits and in accordance with law and pass orders 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Principal Secretary to Government,
Home (Transport-II) Department,
Fort St.George, Chennai - 600 009.
 2. The Commissioner for Disciplinary Proceedings,
Tribunal for Disciplinary Proceedings, Tiruchirapalli.
 3. The Principal Secretary / Transport Commissioner,
Chepauk, Chennai - 600 005.
- +1cc to Mr.C.Prakasam, Advocate sr.3421
- +1cc to The Government Pleader, High Court,
Madras sr.3746

Writ Petition No.1228 of 2017

nmi (co)
ss (24/01/2017)

सत्यमेव जयते

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