

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15700 of 2015

And

M.P.No.2 of 2015

- 1.R.T.Udayakumar
- 2.V.Neelambal
- 3.M.Elancheralathan
- 4.K.Pradeep
- 5.P.Somasundaram
- 6.P.Karthik
- 7.M.Kodeeswaran
- 8.V.Moorthy
- 9.R.S.Vijayakumar
- 10.D.Suvitha
- 11.P.Ponnuswamy
- 12.K.Malarvizhi
- 13.C.Rajalakshmi
- 14.T.Vijayakumar
- 15.M.M.Prabhu
- 16.A.Arulraja
- 17.S.Sakthivel
- 18.G.Venkateswaran
- 19.M.Kamaraj
- 20.A.Gopalakrishnan
- 21.R.Ravichandran
- 22.M.Mathivanan
- 23.T.Dhanalakshmi
- 24.S.Muthunarayanan
- 25.G.Sundaraj
- 26.S.Vanitha
- 27.M.Sugumaran
- 28.K.Radha
- 29.K.Shanthalakshmi
- 30.Y.Imran Sheriff
- 31.Arunachalam, P.
- 32.K.Saravanan
- 33.Muthuprakash

34.C.Muthukumaran
 35.K.Vasanthi
 36.S.Karunanithi
 37.K.Valarmathi
 38.K.Chinnaswamy
 39.S.Ganesh Ram
 40.N.Prabhakaran
 41.B.Somasundari
 42.R.Pandimathana
 43.K.Malarvizhi
 44.D.Karthiga
 45.N.Arthi
 46.J.Hidayathullah
 47.A.Srinivasan
 48.S.Dhasaradhan

.. Petitioners

vs.

- 1.The Secretary to Government,
Home (Transport) Department,
Secretariat,
Chennai-600 009.
- 2.The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai-600 005.
- 3.The Joint Transport Commissioner,
Chepauk,
Chennai-600 005.
- 4.Tamil Nadu Public Service Commission,
Represented by its Chairman,
Frazer Bridge Road,
V.O.C. Nagar,
Park Town,
Chennai-600 003.

5.R.Subramani

6.K.Santhoshkumar

7.Kumaravel

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to Letter R.No.4949/R3/2014, dated 4.3.2014 on the file of the Joint Transport Commissioner (A) i/c, Chennai-5 and quash the same and consequently direct the respondents to take suitable action to issue the seniority list of the petitioners by placing them ahead of the Assistants who were promoted as Assistants after 30.12.2010 within a time frame as may be fixed by this Court and then promote the petitioners as Superintendents with retrospective effect from the date of the promotion of their juniors as Superintendents.

For Petitioners : Mr.S.Raja Ravi Varma

For Respondents-1to3 : Mr.K.Dhananjayan,
Special Government Pleader.

For Respondent-4 : Mr.M.Loganathan

For Respondents-5to7 : Mr.Ravi Shanmugam

ORDER

The order, issued by the Joint Transport Commissioner in proceedings dated 4.3.2014, is under challenge in this writ petition.

2. The order impugned dated 4.3.2014, paragraph-1, reads as follows:-

"All the Officers are requested to send the proforma particulars in respect of the Assistants indicated below, for the preparation of panel of fully qualified Assistants fit for promotion to the post of

Superintendent for the year 2014-2015. The crucial date for the panel is 15.3.2014. The service particulars including a copy of record-sheets should reach this Office on or before 14.3.2014 without fail."

3. The learned counsel appearing for the writ petitioners contended that the rights of the writ petitioners for promotion are affected on account of the erroneous preparation of the list.

4. However, the learned counsel appearing for the respondents opposed the contention by stating that the impugned order is nothing but a circular issued inviting particulars of the Officials for the purpose of preparation of panel.

5. Thus, no cause of action arose for the writ petitioners to move this writ petition and a circular issued in this regard inviting particulars cannot be construed as a cause for the purpose of filing this writ petition. Thus, the writ petition is premature and the writ petitioners cannot be construed as aggrieved persons in law.

6. On reading of the impugned order, it is clear that the service particulars of the eligible candidates are called for from all the Subordinate Officials, so as to prepare a panel for promotion to the Higher

post. The question considering the names of the candidates will arise only on receipt of service particulars and on considering the same, rest of the procedures are interdepartmental in nature and the same will not be a ground to move this writ petition. Thus, the writ petition is premature and there is no cause for the writ petitioners to file this writ petition.

7. In this view of the matter, no further adjudication or consideration on merits is required to be undertaken in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

17-08-2017

Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

Svn

To

1.The Secretary to Government,
Home (Transport) Department,
Secretariat,
Chennai-600 009.

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

3.The Joint Transport Commissioner,
Chepauk,
Chennai-600 005.

S.M.SUBRAMANIAM, J.

Svn

4.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar,
Park Town,
Chennai-600 003.



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