

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12896 of 2017
and WMP.No.13762 of 2017

K.Thiyagarajan

Vs

... Petitioner

1. The Secretary to Government,
Home (Transport-II) Department
Fort St.George, Chennai 9

2. The Commissioner,
Tribunal for Disciplinary Proceedings,
Coimbatore.

3. The Commissioner of Transport,
'Ezhilagam', Chepauk, Chennai 5.

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India
pleased to issue a writ of mandamus or any other appropriate writ or
direction in the nature of a writ directing the respondents to consider the
claim of the petitioner for promotion as Motor Vehicle Inspector, Gr.I for
the ensuing panel of the year 2017-18 without reference to the disciplinary
proceedings initiated against the petitioner pending on the file of

Commissioner for Disciplinary Proceedings, Coimbatore in TDP case No.5/2014 in Roc.No.305/2014/A2 dated 02.09.2014 and promote him as Motor Vehicle Inspector, Gr.I and grant him all consequential service and monetary benefits within a reasonable time.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.K.Thangapandi
Government Advocate

ORDER

The petitioner has filed the present writ petition seeking for a direction to the respondents to consider his claim for promotion as Motor Vehicle Inspector, Gr.I for the ensuing panel of the year 2017-18 without reference to the disciplinary proceedings initiated against him pending on the file of Commissioner for Disciplinary Proceedings, Coimbatore, in TDP case No.5/2014 in Roc.No.305/2014/A2, dated 02.09.2014 and to promote him as Motor Vehicle Inspector, Gr.I and to grant him all consequential service and monetary benefits.

2. The writ petitioner is working as a Superintendent under the third respondent. He is eligible to be promoted as Motor Vehicle Inspector.

Since disciplinary proceedings initiated against him in TDP case No.5/14 is pending, he was not promoted to the post of Motor Vehicle Inspector. In spite of several efforts, the petitioner was not acquitted from the disciplinary proceedings.

3. In a similar circumstances, a person who is also a part of the disciplinary proceedings, filed a writ petition in W.P.No.23870 of 2016 and this Court, after considering the various grounds of litigation, by its order dated 13.07.2016, directed the petitioner to submit a representation to the respondent concerned and in turn, the respondent was directed to consider the same for promotion, without reference to the pendency of TDP No.5/14, and to pass orders on merits, within a period of eight weeks from the date of receipt of a copy of the said order.

4. Accordingly, this writ petition is also disposed of with a direction to the respondents to consider the claim of the petitioner for promotion to the post of Motor Vehicle Inspector, Grade - I for the ensuing panel of the year 2017-2018, without reference to the disciplinary proceedings pending in TDP Case No.5/2014 in Roc.No.305/2014/A4, dated 02.09.2014, and in the light of the order dated 13.07.2016, passed by this Court in W.P.No.23870 of

M.GOVINDARAJ,J
dpq

2016, and pass orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.05.2017

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To

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Home (Transport-II) Department
Fort St.George, Chennai 9
2. The Commissioner,
Tribunal for Disciplinary Proceedings,
Coimbatore.
3. The Commissioner of Transport,
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