

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16157 of 2017

Muthu Anand

.. Petitioner

-vs-

1. The State of Tamil Nadu
represented by its
Principal Secretary to Government
Home (Transport-II) Department
Secretariat
Chennai 600 009

2. The Principal Secretary / Transport Commissioner
Chepauk
Chennai 600 005

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 29.03.2011 and promote him to the post of Joint Transport Commissioner with retrospective effect notionally from the date on which his junior was promoted to the post of Joint Commissioner and grant all monetary and pensionary benefits.

For Petitioner :: Mr.A.Ganesan

For Respondents :: Mr.M.Dig Vijaya Pandian
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the first respondent to consider his representation dated 29.3.2011 and to promote him to the post of Joint Transport Commissioner with retrospective effect notionally from the date on which his junior was promoted to the post of Joint Commissioner.

2. The petitioner claims to be senior to one Mr.S.Panneerselvam in service in the Transport Department. While in service, he suffered a punishment of stoppage of increment for one year with cumulative effect affecting his pension. Aggrieved by the said punishment, the petitioner came to this Court with W.P.Nos.2456 & 12108 of 2010 to set aside the same with a consequential direction to promote him to the post of Deputy Transport Commissioner. This Court, by order dated 7.2.2011, setting aside the G.O.(D) No.1133, Home (Tr.II) Department dated 9.11.2009, directed the respondents to consider his case for promotion as Deputy Transport Commissioner for the panel year 2009-10. In the said order, this Court has also given a further direction to consider his case for promotion before his retirement on 28.2.2011. Pursuant to the order, the respondents have promoted him as Deputy Transport Commissioner and allowed him to retire from service on superannuation with effect from 28.2.2011. Thereafter, the petitioner has given further representation on 29.3.2011 to the first respondent to promote him to the post of Joint Transport Commissioner from the date on which his junior was promoted as Joint Transport Commissioner, as per Rule 4(a) of the Tamil Nadu State and Subordinate Service Rules.

3. Had the petitioner been aggrieved for not granting promotion on par with his junior as per Rule 4(a) of the Tamil Nadu State and Subordinate Service Rules, he should have come to this Court immediately finding that his representation dated 29.3.2011 failed to evoke any response from the respondents. Having kept quiet from 2011 till this date, the petitioner cannot maintain the belated writ petition. Therefore, the petitioner is held guilty of laches. For the above reasons, the writ petition fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

ss

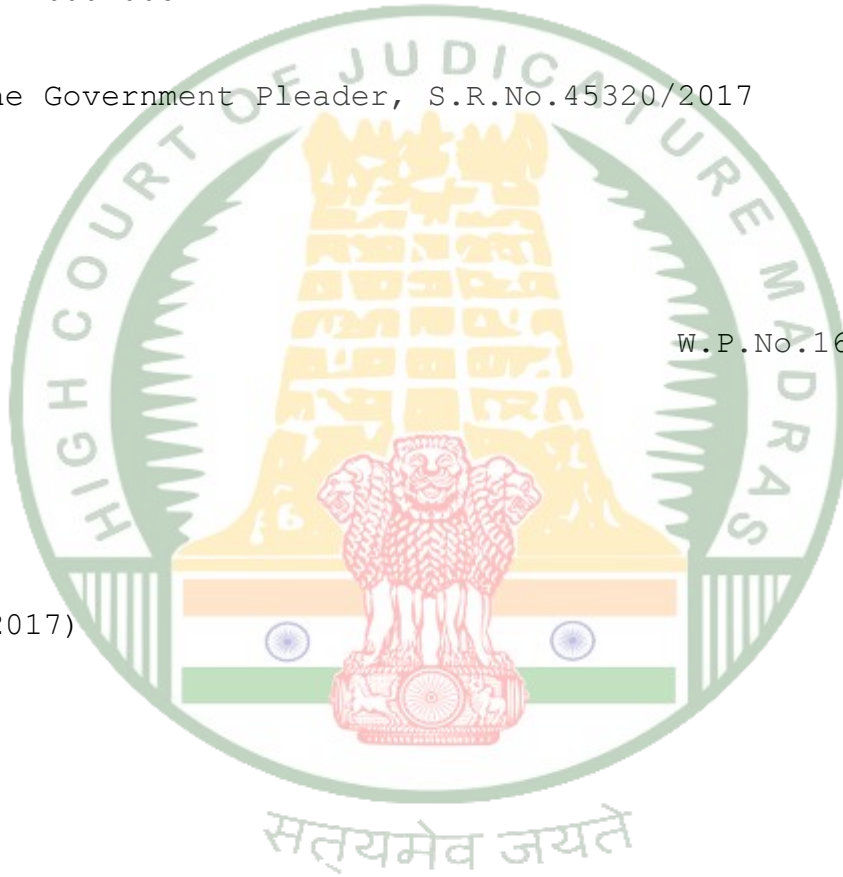
To

1. The Principal Secretary to Government
Home (Transport-II) Department
Secretariat
Chennai 600 009
2. The Principal Secretary / Transport Commissioner
Chepauk
Chennai 600 005
Chennai 600 005

+1cc to the Government Pleader, S.R.No.45320/2017

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AR (CS IV)
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