

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28722 of 2017

A.Arul Raja

...Petitioner

Versus

1. The Secretary to Government,
Home (Transport) Department,
Secretariat, Chennai-9.

2. The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai-5.

3. The Joint Transport Commissioner,
Chepauk, Chennai-5.

4. Tamil Nadu Public Service Commission
rep. by its Chairman,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai-3.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to release the inter se seniority list of the Directly Recruited Assistants above the promotive Assistant and the consider the petitioner's candidature for the promotion.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondents : Mr.V.Jayaprakash Narayanan,
1 to3 Special Government Pleader

For 4th respondent : Mr.M.Loganathan

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to release the inter se seniority list of the Directly Recruited Assistants above the promotive Assistant and the consider the petitioner's candidature for the promotion.

2. The case of the petitioner is that the respondent had issued a Notification dated 30.12.2010 in Advertisement No.258, calling for the applications for the post of Assistants on Direct Recruitment and the selection process was conducted by the 4th respondent. According to the petitioner, due to administrative delay, he was appointed as Assistant at RTO Office Erode in Erode East as per the Tamil Nadu Ministerial Services Rules on 7.4.2012. Thereafter, as per the Notification of the 2nd respondent dated 24.04.2015, the petitioner attended 4th phase of Foundation Training at Bhavanisagar for 37 days. While so, on 6.7.2015, the 2nd respondent had issued the seniority list of the Assistant which was communicated to the 4th respondent for the Directly Recruited Assistants. Subsequently, the 2nd respondent issued a communication dated 15.11.2016 to the Subordinate Officers to furnish the details of the Directly Recruited Assistant Batch 2009-2011 and to provide the details about the completion of the basic training in the probation period. In this regard, though several representations have been sent, there was no response. Finally, the 2nd respondent in Proceedings

No.R.41153/R3/2015 dated 21.4.2016 issued an order constituting a Committee to draw a complete seniority list in the category of Assistants and the Committee has submitted its recommendation to the respondents stating that without reforming the panel from the year 2011-2012 the seniority list could not be able to derive. But without fixing their seniority, the 2nd respondent had called for the proforma particulars of the Assistants for the promotion to the post of Superintendent for the year 2016-2017 vide Letter R.No.11361/R3/2016 dated 13.05.2016. Hence, the present Writ Petition.

3. Heard the learned Counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Counsel appearing for the 4th respondent.

4. Though, it is stated by the learned Counsel for the petitioner that the petitioner and others were appointed as Directly Recruited Assistants on 7.4.2012 and the inter se seniority list for the Directly Recruited Assistants and the promotive Assistants should be prepared and the Directly Recruited Assistants have to be placed above the Promotive Assistants and the same should be declared before giving further promotion, in the affidavit filed in support of the petition to release the inter-se seniority list of the Directly Recruited Assistants above the Promotive Assistants, nowhere it is stated how the petitioner and others who were directly recruited Assistants are entitled to be placed above the promotive Assistants and there is no

mention about the date of appointment of the promotive assistants and also the date of their regularisation. Therefore, I find no merit in the Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

13.11.2017

Index:Yes/No

Internet:Yes/No

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To

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Chennai-5.
3. The Joint Transport Commissioner,
Chepauk, Chennai-5.
4. Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai-3.

T.RAJA, J.

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