

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39023 of 2004
and
W.P.M.P.No.46557 of 2004

M.Shanmugam

...Petitioner

Vs.

- 1.The rep by Government of Tamil Nadu,
Secretary to the Government,
Home (Transport) Department,
Fort.St.George, Chennai -9.
(amended as per order of this Court dated. 04.10.2005 in
WPMP.No.29872 of 2005)
2. The Transport Commissioner,
Chepauk, Chennai -5.
3. The Joint Transport Commissioner,
Ayanavaram, Chennai -23.
4. M.R.Surenderan
Assistant,
Regional Transport Office,
Thiruvallur

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Madamus, calling for the records of the second respondent issued in Letter No.R.No.R1/6056/99 dated 04.02.1999 and quash the same in so far as the petitioner and fourth respondent is concerned and restore the seniority Rank assigned in the proceedings issued in R.No.40236/R2/93 (EO No.243/94) dated 13.04.1994 and issue a consequential direction to place the petitioner and the fourth respondent at appropriate place for promotion to the post of Superintendent for the panel 2004-2005 and promote the petitioner as Superintendent with service and monetary benefits.

For Petitioner : Mr. R.Saseetharan
For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate for R1 to 3
Mr.Ethirajulu for R4

O R D E R

The petitioner has filed this writ petition, challenging the revision of seniority list ordered by the second respondent dated 04.02.1999 and consequentially he prayed for restoring the seniority rank assigned in the proceedings issued in R.No.40236/R2/93 (EO No.243/94) dated 13.04.1994.

2. The case of the petitioner is that as per seniority list drawn by the second respondent dated 13.04.1994, he was placed rightly at Rank No.64, whereas the fourth respondent's Rank No. was 69 and the petitioner had made a representation to the second respondent to restore the seniority Rank as far as the petitioner and the fourth respondent is concerned as per the proceedings issued in R.No.40236/R2/93 (EO No.243/94) dated 13.04.1994 and issue a consequential direction to place the petitioner and the fourth respondent at appropriate place for promotion.

3.However, by an order dated 04.02.1999, the second respondent, after considering the representation made by the petitioner, has revised the seniority list and in that order, the 4th respondent was placed between one A.Ganesan serial No.23 and R.Kesavan serial No.24 and the 4th respondent was assigned serial No.23A which is in between the serial No.23 and 24.

4.Aggrieved by that order, the petitioner again made a representation to the second respondent on 05.07.2001. Admittedly, A.Ganesan and R.Kesavan are Seniors to the petitioner and they have not filed any writ petition challenging the revision of seniority order passed by the second respondent dated 04.02.1999.

5.The learned counsel for the petitioner would submit that though the petitioner challenged the fixation of seniority of the fourth respondent, however, now the petitioner restricts the claim that it would suffice if a direction is given to the second respondent to dispose of the petitioner's representation dated 05.07.2001.

6.Considering the limited prayer now sought for by the petitioner and without expressing any opinion on the merits of the case, the second respondent is directed to dispose of the petitioner's representation dated 05.07.2001.

7.With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

/sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To.

1.The Secretary to the Government, The Government of Tamil Nadu, Home (Transport) Department, Fort St.George, Chennai -9.
(amended as per order of this Court dated. 04.10.2005 by KRPJWPMP.No.29872 of 2005)

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

3.The Joint Transport Commissioner, Ayanavaram, Chennai -23.

+1 CC to Mr. R. Saseethavan , Advocate Sr.No. 69012

+1 CC to Govt., Pleader , Advocate Sr.No. 69493

W.P.No.39023 of 2004

MD: 24/11/2017

सत्यमेव जयते

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