

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.03.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.6416 of 2018

S.Muralikrishnan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take appropriate action on the representation of the petitioner dated 22.01.2018 and dispose of the same on merits.

For Petitioner : Mr.K.S.Jeyaganeshan
For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the first respondent to take appropriate action on the petitioner's representation dated 22.01.2018 and dispose of the same on merits.

2. The petitioner joined as Junior Assistant on compassionate ground on 29.12.1997 and on being satisfied with his performance, he was promoted as Assistant and subsequently promoted as Superintendent during June, 2013. The petitioner is serving in supervisory cadre for nearly 5 years since 2013. The petitioner, after obtaining permission from the department, completed B.G.L. degree through distance education from Annamalai University on 27.09.2017. On obtaining B.G.L., the petitioner stands qualified for the post of Departmental Representative, which is a post required for the State Transport Appellate Tribunal. When the said post not being filling up by any appointment, the petitioner has submitted his representation dated 22.01.2018, but the same has not been considered,

therefore, a direction is sought to dispose of his representation.

3. This Court is unable to entertain this writ petition for the following reasons. Firstly, the petitioner has not satisfied the Court by placing on record the relevant rules/provisions prescribing the qualification for the post of Departmental Representative in the State Transport Appellate Tribunal. Secondly, the petitioner has not even averred or pleaded in the affidavit filed in support of this writ petition that he possess the requisite qualification as required under relevant provisions. The petitioner has simply mentioned about his appointment as Junior Assistant, his subsequent promotions as Assistant and Superintendent as well as obtaining B.G.L. degree through distance education. No relevant provision has been shown to this Court fixing the qualification for the post of Departmental Representative and how he is entitled to get the promotion.

4. This Writ Petition fails and accordingly, it is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

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

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

+1cc to Mr.K.S.Jeyaganeshan, Advocate, S.R.No.21215
+1cc to Mr.*, Advocate, S.R.No.
+1cc to the Government Pleader, S.R.No.21871

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GSP(04/04/2018)