

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.7089 of 2013

T.MURUGESAN ...Petitioner

Vs

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

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to promote the petitioner as Superintendent with effect from 18.6.2007, the date of promotion of his immediate junior for the panel year 2006-2007 with all consequential service and monetary benefits.

For Petitioner : Ms.Sudha Ravi

For Respondents : Mr.A.Shrijayanthy
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction directing the respondents herein to promote the petitioner as Superintendent with effect from 18.6.2007, the date of promotion of his immediate junior for the panel year 2006-2007 with all consequential service and monetary benefits.

2. The learned counsel appearing for the petitioner made a submission that on account of the currency of punishment, the case of the writ petitioner was not considered for promotion to the post of Superintendent in the appropriate panel. However, the said punishment was challenged by the writ petitioner in WP.No.7031 of 2008 and this Court allowed the writ petition, setting aside the orders of punishment. Thus, the case of the writ petitioner ought to have been considered by granting retrospective promotion on par with his juniors. In this regard, the petitioner has submitted a representation to the 2nd respondent and the same is yet to be considered.

3. This Court is of an opinion that on account of the currency of punishment, if the promotion of an employee deferred, the same shall be reconsidered, if the punishment is set aside either by the Court or by the appellate authority. Thus, the case of the writ petitioner is to be reconsidered in the light of the order passed by this Court, quashing the order of punishment. However, the other eligibility criteria and other rules relating to promotions are all to be followed before granting such promotion

to the writ petitioner on par with his juniors.

4. Thus, the 2nd respondent is directed to consider the representation submitted by the writ petitioner on 03.01.2013 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petitioner is directed to submit a fresh representation setting out all the details and the relevant documents along with the orders passed in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

05.10.2018

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Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

S.M.SUBRAMANIAM, J.

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To

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

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

W.P.No.7089 of 2013

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