

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.12192 of 2010

R.Mythili

... Petitioner

Vs.

Principal Secretary to Government,
Home (Tr.II) Department,
Secretariat, Chennai - 9.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent herein to include the petitioner's name in the panel of Motor Vehicle Inspectors (NT) fit for promotion as Personal Assistant to RTO/DTC/JTC/STA/STAT for the year 2008-2009 in the appropriate place with due seniority and consequently promote the petitioner as Personal Assistant to Regional Transport Officer with effect from 9.4.2008, the date of promotion of her immediate junior with all consequential service and monetary benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.J.Ramesh, AGP

ORDER

The relief sought for in this writ petition is to issue a writ of mandamus directing the respondent to include the petitioner's name in the panel of Motor Vehicle Inspectors (NT) fit for promotion as Personal Assistant to RTO/DTC/JTC/STA/STAT for the year 2008-2009 in the appropriate place with due seniority and consequently promote the petitioner as Personal Assistant to Regional Transport Officer with effect from 09.04.2008, with all consequential service and monetary benefits.

2.According to the petitioner, she joined as Junior Assistant on 10.12.1984 and she was promoted as Assistant in the month of December 1988. Subsequently, she was promoted as Superintendent on 02.11.2000 and as Motor Vehicle Inspector

(Non-Technical) in July 2005. While so, she was issued with a charge memo vide Letter No.116100/Tr.II/2005-10 dated 18.10.2006, due to which, she was denied promotion for the years 2008-09 and 2009-10. Thereafter, enquiry was conducted and the Enquiry Officer found her not guilty of the charges framed against her and ultimately, filed a report to the Government to that effect. Not satisfying with the findings of the Enquiry Officer, the Government passed a final order in G.O.(D) No.715, Home (Tr.II) Department, dated 31.07.2009, imposing a punishment of stoppage of increment for a period of two years with cumulative effect, which was challenged by the petitioner in WP.No.26922 of 2009. Pursuant to the same, the petitioner was further denied promotion to the post of Personal Assistant to RTO for the years 2010-11 and 2011-12. Hence, she has come up with the present writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that during the pendency of this writ petition, this Court, by order dated 17.06.2013, allowed the writ petition in WP.No.26922 of 2009 by setting aside the order, imposing punishment of stoppage of increment for a period of two years with cumulative effect. According to the learned counsel, even thereafter, the respondent has not passed any order, including the name of the petitioner in the panel fit for promotion to the post of Personal Assistant to RTO, which was stoutly refuted by the learned Additional Government Pleader appearing for the respondent.

4.In such circumstances, having regard to the subsequent developments which have taken place in this matter and also taking note of the submissions made on either side, this Court directs the petitioner to submit a fresh representation stating all the details along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law and also in the light of the order dated 17.06.2013 passed by this Court in WP.No.26922 of 2009, within a period of six weeks thereafter.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

Principal Secretary to Government,
Home (Tr.II) Department,
Secretariat, Chennai - 9.

+1cc to Mr.Ravi Shanmugam, Advocate, S.R.No.37169

+1cc to the Government Pleader, S.R.No.37486

W.P.No.12192 of 2010

GSP(29/06/2018)



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