

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16481 of 2019

S.Selvam

... Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representation dated 15.03.2019 made by the petitioner with request to give due promotion in the cadre of Assistant Manager with effect from 05.01.2017.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.M.Chidambaram (For R2)

O R D E R

This petition has been filed by the petitioner, seeking for the issuance of Writ of Mandamus, to direct the second respondent to consider the representation dated 15.03.2019 and to give due promotion to the petitioner in the cadre of Assistant Manager with effect from 05.01.2017.

2. The Petitioner joined as a Conductor and thereafter, he was selected and posted as Electronic Data Entry Operator-cum processors in the E.D.P. Section by the second respondent vide order dated 22.07.1994. Thereafter, the petitioner continued in the said post by virtue of the order of this Court. Thereafter, he was deputed to Secretariat, Finance Department for the same category as Data Entry Operator and he worked there till the

year 2012 and thereafter, again he was posted in E.D.P. Section of second respondent on 13.07.2011.

3. According to the petitioner, though he is eligible for promotion to the post of Assistant Manager, the second respondent promoted him as Checking Inspector on 10.07.2017. Aggrieved by the same, the petitioner moved a Writ Petition in W.P. No.224 of 2017 before this Court seeking a direction to consider him for the post of Assistant Manager, E.D.P. Section. By order dated 05.01.2017 this Court disposed of the Writ Petition, directing the respondents therein to consider the representation of the petitioner dated 09.02.2016 in accordance with law and on merits.

4. In pursuance of the order of this Court, it appears that, the petitioner made a representation to the second respondent stating that as per wage settlement that has taken place in 1995, employee ought to be allowed in the same category, in which he has appointed and change of category has not been allowed. It appears that the petitioner has made a detailed representation dated 15.03.2019 and also brought the fact to the notice to the second respondent with one Mr.R.Krishnamoorthy, who was similarly appointed as conductor, subsequently posted in the administrative cadre and promoted as Assistant Manager with effect from 05.01.2017. However, the second respondent has not considered and pass any orders on the representation of the petitioner, which prompted the petitioner to come forward with the present Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the petitioner is fully eligible for the promotion to the cadre of Assistant Manager and there is absolutely no impediment for the second respondent to promote the petitioner, since, already similarly placed employee, one Mr.R.Krishnamoorthy has been promoted as Assistant manager with effect from 05.01.2017. Therefore, seeking parity, the learned counsel for the petitioner would insist this Court to give a direction to the second respondent to consider the representation made by the petitioner for the relief as stated therein.

6. Considering the facts and circumstances, and the submissions made by the learned counsel for the petitioner, this Court, without going into the merits of the claim of the petitioner, directs the second respondent to consider the representation dated 05.01.2017 made by the petitioner and pass appropriate orders in accordance with law and on merits and

promote the petitioner in the cadre of Assistant Manager if he is otherwise eligible and there is no legal impediment thereof.

7. The second respondent in this regard is directed to pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

+1cc to Mr.D.Veerasekaran, Advocate Sr.81704
+1cc to Mr.M.Chidambaram, Advocate Sr.81756
+1cc to the Government Pleader Sr.82334

W.P.No.16481 of 2019

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srg 08/11/2019

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