

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.25076, 25077, 25078, 25079, 25080, 25081, 25082, 25083,  
25084, 25085 of 2018

K.Elango ...Petitioner in W.P.No.25076/2018.  
J.Suresh Babu ...Petitioner in W.P.No.25077/2018.  
P.Saradhamani ...Petitioner in W.P.No.25078/2018.  
G. Nangan ...Petitioner in W.P.No.25079/2018.  
P.Srinivasan ...Petitioner in W.P.No.25080/2018.  
C.Kannaiyan ...Petitioner in W.P.No.25081/2018.  
A. Samuvel ...Petitioner in W.P.No.25082/2018.  
G.Umasankar ...Petitioner in W.P.No.25083/2018.  
A. Habiba Ammal ...Petitioner in W.P.No.25084/2018.  
S. Vellaithuraichi ...Petitioner in W.P.No.25085/2018.

...Vs...

The Transport Corporation,  
Chepauk, Chennai - 5.

...Respondents  
in all W.Ps

Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to publish the panel of Assistants fit for promotion as Superintendents for the year 2016-17 by implementing the direction issued in G.O.Ms.No.169, Home (Transport IV) Department dated 28.02.2018 and consequently direct the respondent herein to promote the petitioner as Superintendent for the year 2016-17 within a stipulated time.

For Petitioner : Mr.Ravi Shanmugam  
(in all cases)

For Respondent: Mr.S.T.S.Murthi  
Additional Advocate General  
Assisted by  
Mr.V.Kathiravelu  
Special Government Pleader  
(in all cases)

COMMON ORDER

The relief sought for in these batch of writ petitions is to direct the respondent herein to publish the panel of Assistants fit for promotion as Superintendents for the year 2016-17 by implementing the direction issued in G.O.Ms.No.169, Home (Transport IV) Department dated 28.02.2018 and consequently direct the respondent herein to promote the petitioner as Superintendent for the year 2016-17 within a stipulated time.

2. On account of the interim orders granted in W.P.No.13520 of 2018 to W.P.No.13528 of 2018 dated 06.07.2018, the department is unable to prepare the panel and grant promotions of the eligible persons. G.O.(Ms.)No.169, Home (Transport-IV) Department, dated 28.02.2018 relates to relaxation of norms prescribed in Annexure IV under Rule 30(b) of the Special Rules for Tamil Nadu Ministerial Service in favor of 21 Assistants.

3. However, it is made clear that on account of these grounds, the entire promotion cannot be stalled. The interim order granted in W.P.Nos.13520 to 13528 of 2018 dated 06.07.2018 has already been vacated by this Court. Thus, the department has to prepare a panel of Assistants who are all fit for promotion to the post of Office Superintendent in accordance with the rules in force and by following the procedures contemplated and issue promotion orders without violating the rules in force.

4. Thus, the respondent/Transport Department is directed to prepare a panel and grant promotion without any further lapse of time as the filling up of post of Office Superintendent is of paramount importance for the smooth functioning of the establishment in the Transport Department. The grounds raised in the present writ petitions in respect of the preparation of panel, grant of promotion as well as the seniority which are all raised in the other batch of writ petitions can be pursued by the respective parties and all the other issues also can be adjudicated during the final hearing of those writ petitions which are kept pending for final adjudication.

5. With these observations, all the writ petitions stand disposed of. No costs.

s/d-  
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

mrm

To

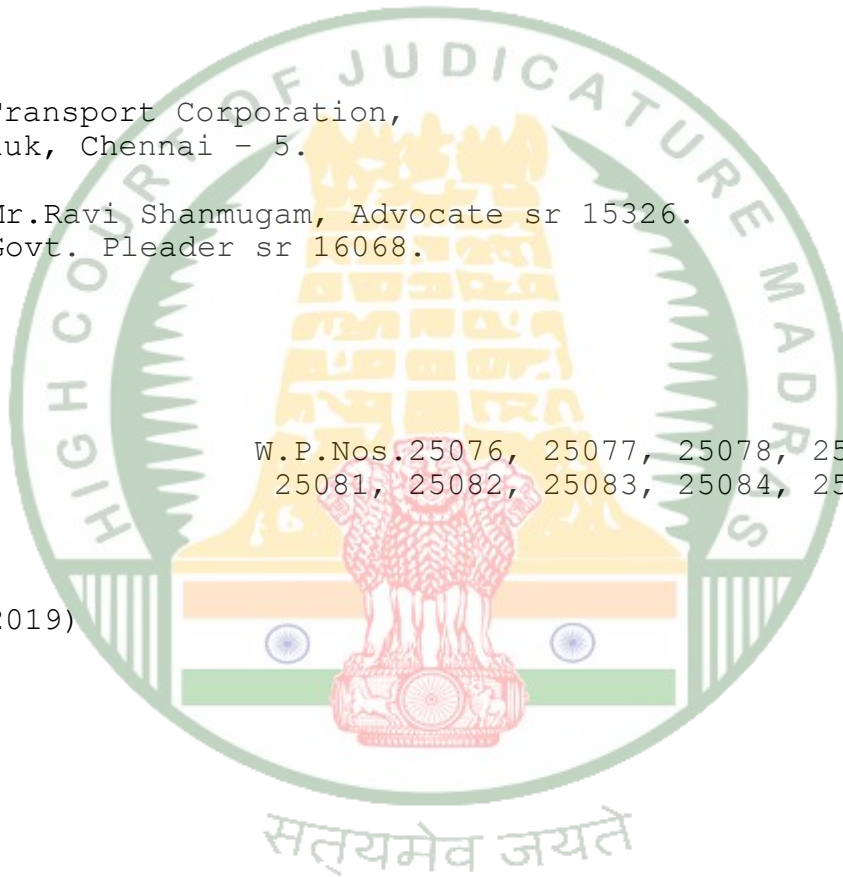
The Transport Corporation,  
Chepauk, Chennai - 5.

+1 CC to Mr. Ravi Shanmugam, Advocate sr 15326.

+1 CC to Govt. Pleader sr 16068.

W.P.Nos. 25076, 25077, 25078, 25079, 25080,  
25081, 25082, 25083, 25084, 25085 of 2018

RV (CO)  
SP (18/03/2019)



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