

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26345 of 2019

M. Sivakumar

Presently working as Assistant (P.F)
At the Head Office,
State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai- 2.

.... Petitioner

vs

1. The Managing Director,
#2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.

2. The General Manager,
#2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to direct the respondents to dispose of the petitioner's representation dated 06.03.2019 submitted for extending all the benefits granted to Mr.K. Nagarajan pursuant to the orders of this Hon'ble Court in W.P.No.16388 of 2016 dated 27.04.2016 to the petitioner also and pass orders.

For Petitioner : Mr. S Mohan

For Respondents : Mrs. Rajani Ramadass

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O R D E R

The case of the petitioner is that the petitioner was appointed as Junior Assistant under the eminent sports personality category. On recommendation of the executive Secretary, Tamil Nadu Public Sector Sports Control Board, Madras, by order dated 13.03.1996 the petitioner was appointed as Junior Assistant. Thereafter, the petitioner was directed to

report for duty by order dated 19.03.1996 and jointed the duty as Junior Assistant in the Corporation. On 02.04.1996, petitioner's designation was altered to Record clerk, and on 03.04.1996 EDP number 5043 was allotted to the petitioner.

2. Thereafter on 12.06.1998, the petitioner was terminated by order dated 12.06.1996 for administrative reasons.

3. The order of dismissal was challenged through a Writ Petition in W.P.No.9636 of 1997 in which the Hon'ble Court passed set aside the order of dismissal dated 12.06.1996 by holding that the petitioner was absorbed only as a permanent employee and the dismissal was bad in the eye of law. Against which the respondent preferred Appeal in W.A.No.1290 of 2001 challenging the order passed in W.P.No.9636 of 1997 dated 13.11.1998 in which by order dated 05.09.2001 the Hon'ble Court confirmed the order passed in the Writ Petition.

4. Thereafter, the respondent preferred a Special Leave Petition bearing No.3295 of 2002 on the file of the Hon'ble Supreme Court of India and the same was dismissed by order dated 22.02.2002. Thereafter the petitioner was reinstated as record clerk with effect from 22.04.2002 at Bangalore and he was posted at Head Office, Chennai and at present working as a Assistant (P.F)

5. While being so, the Government of Tamil Nadu passed G.O.Ms.No.79, Transport (C1) Department dated 30.06.2015, based on the recommendation of the Sub-committee constituted, which recommended for allowing the Senior Assistant in the Working Group for availing regular promotion. The said exercise was carried on by publishing the tentative seniority list of the incumbents in both Working as well as the Miscellaneous Group. In order to avail the said position, the petitioner made representation on 21.11.2018 to the respondent to count his services between 12.06.1996 and 22.04.2002 for the purpose of calculating seniority and all benefits. However till date, his representation was not considered. Since the respondent did not respond to the representation of the petitioner, the petitioner again sent another representation on 06.03.2019 to extend the benefits; however till date this representation was also not considered by the respondent, hence the petitioner has filed the present Writ Petition.

6. The learned counsel for the petitioner would further submit that it would be suffice to issue direction to the respondent to dispose of the representation within a reasonable time.

7. Without expressing any opinion on merit and considering the limited request made by the petitioner, I am inclined to issue direction to the first respondent to consider the representation dated 06.03.2019 submitted by the petitioner and pass orders on merits and in accordance with law. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrn

1. The Managing Director,
#2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.
2. The General Manager,
#2, State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai.

+1cc to Mr.S.Mohan, Advocate Sr.76842

W.P.No.26345 of 2019

br[co]
srg 14/11/2019

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