

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27135 of 2019
and WMP.Nos.26514 & 26516 of 2019

M.Latha
W/o.P.Shanmugham.

... Petitioner

Vs.

1. The Secretary to Government,
Home (Transport II) Department,
Fort St. George, Chennai.
2. The Transport Commissioner,
Chepauk, Chennai-5.
3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Chennai-3.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records of the 2nd respondent in connection with the impugned interse seniority list notified by him in R.No.24449/R3/2016(E.O.No.191/2018) dated 23.5.18 and quash the same insofar as the petitioner is concerned and revise the seniority of the petitioner in the cadre of Assistant and place her in the appropriate place by taking into consideration the date of her initial appointment as Steno-typist, Gr-III for the purpose of promotion to the post of Superintendent and consider her claim for promotion as Superintendent and grant her all consequential service and monetary benefits at par with her junior.

For Petitioner : Mr.K.Venkataramani
Senior Counsel for
M.Muthappan

For Respondents : Mrs.R.Janaki
Additional Government Pleader.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2.The petitioner was appointed as steno-typist Gr-III in the office of the Transport Commissioner vide proceedings No.656233/R2/2010 (EO.No.326/2010) dated 21.10.2010 and she reported for duty on 01.11.2010. Thereafter, the petitioner's service was regularized on 05.01.2012 on completion of one year of service. She completed her probation and probation was declared on 30.11.2012. Subsequently, the petitioner was promoted and transferred as Assistant and posted in the existing vacancy at RTO Office, Chennai by proceedings dated 28.2.2013.The petitioner was relieved from the post of Steno-Typist Gr-III from the office of State Transport Authority, Chennai on 7.3.13 AN in order to join the promotion post. She was posted to undergo one year training in the Accountant post in the RTO, Ariyalur and on completion, she was transferred from RTO office, Ariyalur to the RTO, Chennai North . She was posted at Chennai to undergo 2 years norms post as Assistant at the office of STAT/STA/JTC/DTC/RTO. She was posted to serve in the norms post in the office of the Joint Transport Commissioner, Chennai and completed the norms post as per the service rules in order to get promotion as Superintendent. According to the petitioner, the petitioner is fully qualified to the promotional post of Superintendent. While so, the 1st respondent has notified the tentative seniority among the directly recruited Assistants and promoted Assistants by his proceedings, wherein the petitioner's name was found in Sl.No.80 under the heading in Para 2 namely "in view of the Government decision, on the ratification proposal sent from this office and pending finalization". After receiving the notice, the petitioner made a representation on 29.05.2018 immediately after publication of seniority list and thereafter again on 19.08.2019, a reminder to the earlier representation was also sent. Since no orders have been passed, the petitioner has filed the present petition.

3.Heard the submissions of Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner and Mrs.R.Jayanthi, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.The learned counsel for the petitioner submits that it would suffice if a direction is issued to the 4th respondent to consider the petitioner's representation and pass orders.

5.Thus, without going into the merits of the case, this Court is inclined to direct the 4th respondent to consider and dispose of the petitioner's representations dated 29.05.2018 and

19.08.2019, in accordance with law, after putting on notice, the persons concerned and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned.

6.The Writ Petition is disposed of accordingly. No costs. Connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home (Transport II) Department,
Fort St. George, Chennai.
2. The Transport Commissioner,
Chepauk, Chennai-5.
3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Chennai-3.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.78356
+1cc to the Government Pleader, S.R.No.79308

W.P.No.27135 of 2019

PPA(CO)
CS/30/10/2019

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