

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27380 of 2019

and

W.M.P.Nos.26836 & 26837 of 2019

K.Santhi

... Petitioner

Vs.

1.The Secretary to Government,
Home (Transport II) Department,
Fort St.George, Chennai - 9.

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 Certiorarified 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 23.5.2018 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
Mr.M.Muthappan

For Respondents : Mrs.R.Janaki
Additional Government Pleader

O R D E R

By consent, this writ petition has been taken up for final disposal at the admission stage itself.

2.The petitioner has passed +2 and also a P.G.Degree and also passed Technical Exams viz., Typewriting and Shorthand, both Tamil and English. She is fully qualified for the post of Steno-Typist Grade III and she has applied for the said post through Tamil Nadu Public Service Commission during the year 2010. She was selected by the 3rd respondent and allotted to Transport Department by a proceedings dated 12.10.2010 and an appointment order was also issued on 21.10.2010 by the 2nd respondent and she was posted at Chennai. The petitioner's service was regularized in the cadre of Steno-Typist, Grade-III on the date of her joining duty i.e., on 01.11.2010 vide proceedings of the 2nd respondent dated 18.06.2012 and her probation was also declared on 31.10.2012. Subsequently, the petitioner was transferred as Assistant by including her name in the panel of Junior Assistant/Typist/Steno-types Grade-III, fit for promotion for the post of Assistant for the year 2016-17, in the existing vacancy as per proceedings dated 20.02.2017, without any increase in the salary. The grievance of the petitioner is that though the petitioner is fully eligible for the promotion post of Superintendent, the 1st respondent has notified a tentative inter se seniority among the directly recruited Assistants and promoted Assistants by his proceedings in R.No.24449/R3/2016 EO No.191/2018 dated 23.05.2018, wherein the name of the petitioner is found place in Sl.No.318 by taking into consideration her date of promotion as Assistant i.e., w.e.f. 20.02.2017. Therefore, the petitioner had made representation to the 2nd respondent 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 senior counsel for the petitioner submits that it would suffice if a direction is issued to the 2nd 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 2nd 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-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home (Transport II) Department,
Fort St.George, Chennai - 9.
- 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 SR.79789

W.P.No.27380 of 2019
and
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BS (CO)
CB(06/11/2019)

सत्यमेव जयते

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