

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2019
Coram

The Honourable Mr. Justice D. Krishnakumar

W.P.No.12086 of 2017

Rajaha Ramalingham

...Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Home (Transport II) Department,
Secretariat, Chennai - 600 009.
2. The Principal Secretary,
Transport Commissioner,
Chepauk, Chennai - 600 005.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 06.02.2016, and to issue orders, granting notional promotion to the post of Joint Transport Commissioner from the date on which the petitioner's junior was promoted to the post of Joint Transport Commissioner with all monetary benefits, including pensionary benefits within a reasonable time.

For Petitioner : Mr.C. Selvaraj, Senior Counsel for
M/s. A. Ganesan

For Respondents : Mr.J.Pothiraj
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed this Writ Petition seeking for a direction on the respondents to consider his representation, dated 06.02.2016, and to issue orders, granting notional promotion to the post of Joint Transport Commissioner from the date on which his junior was promoted to the said post with all monetary benefits, including pensionary benefits within a reasonable time.

2. Mr.C. Selvaraj, the learned Senior Counsel for the petitioner has submitted the respondents have filed counter affidavit, wherein, it is stated that the second respondent sent

a proposal to the first respondent to promote the petitioner to the post of Deputy Transport Commissioner or Joint Transport Commissioner, and the same is under consideration of the Government. Therefore, he submitted that, it would be suffice to direct the Government to pass appropriate orders based on the said proposal.

3. The learned Special Government Pleader for the respondents submitted that the petitioner has earlier filed O.A.No.9641 of 1997 before the Tamil Nadu Administrative Tribunal (TAT), which stood transferred to this Court and re-numbered as W.P.No.35812 of 2006 and the said Writ Petition was dismissed by this Court, and also the Writ Appeal. Further, he submitted that, for the same cause of action, the petitioner has approached this Court by way of present Writ Petition. However, he added that since the second respondent sent a proposal to the first respondent stating that the charges framed against the petitioner were dropped, (as seen from the counter affidavit) the said proposal will be considered by the first respondent, and if the petitioner is entitled to the post of Joint Transport Commissioner, appropriate orders would be passed in accordance with law.

4. Thus, by considering the aforesaid submission of the learned Special Government Pleader for the respondents, and based on the statement made by the respondents in their counter affidavit, this Court, without expressing any opinion on the merits of the Writ Petition, directs the first respondent to consider the proposal sent by the second respondent, dated 26.06.2006, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall also furnish the particulars with regard to such proposal if any, available with him to the first respondent within a period of two weeks from the date of receipt of a copy of this order, so as to enable the first respondent to appropriate orders within the stipulated time.

5. With the above direction, the Writ Petition stands disposed of No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar

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To

1. The State of Tamil Nadu
rep. By its Principal Secretary to Government,
Home (Transport II) Department,
Secretariat, Chennai - 600 009.
2. The Principal Secretary,
Transport Commissioner,
Chepauk, Chennai - 600 005.

+1cc to Mr.A.Gnesan, Advocate, SR.No.95320.

+1cc to Government Pleader, SR.No.95588

W.P.No.12086 of 2017

SSD(CO)
CSR:10/01/2020



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