



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.09.2019**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P.(MD) No.20168 of 2019**

WEB COPY

A.Kannan

... Petitioner

-Vs-

1.The Additional Chief Secretary to Government,  
Transport Department,  
Secretariat, Chennai.

2.The Managing Director,  
Tamil Nadu State Transport Corporation,  
Corporate Office (South),  
Madurai.

3.The General Manager,  
Tamil Nadu State Transport Corporation,  
Bye Pass Road, Dindigul-624 004.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to dispose of the petitioner's appeal petitions, dated 12.07.2017 on the file of the second respondent by considering the petitioner's representation dated 03.06.2019 to the first respondent within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan

For Respondents : Mr.J.Senthil Kumariah

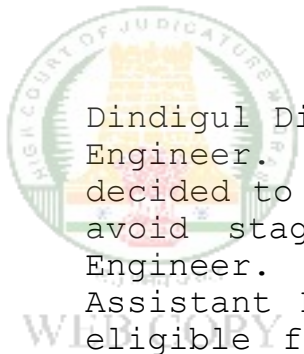
**ORDER**

Heard Mr.M.Natarajan, learned counsel appearing on behalf of the petitioner and Mr.J.Senthil Kumariah, learned counsel, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to the respondents 1 and 2 to dispose of the petitioner's appeal petitions, dated 12.07.2017, on the file of the second respondent, by considering the petitioner's representation, dated 03.06.2019, sent to the first respondent.

4.According to the petitioner, he is working as Assistant Engineer at Tamil Nadu State Transport Corporation, Dindigul Region,



Dindigul District. The next avenue of promotion is Senior Assistant Engineer. As per G.O.Ms.No.13, dated 14.01.2000, the Government decided to give time bound promotion as Senior Assistant Engineer to avoid stagnation in the post of Junior Engineer and Assistant Engineer. The candidates, who have completed 6 years of service in Assistant Engineer or 12 years of service in Junior Engineer, are eligible for promotion to the post of Senior Assistant Engineer. The petitioner has completed 12 years of service combined in Junior Engineer as well as Assistant Engineer on 11.03.2001 itself. However, his name was not considered for promotion to the post of Senior Assistant Engineer, due to currency of punishment.

5. According to the petitioner, he was issued with a memo on various dates between the year 1988 and 2000, for lack of supervision. During that period, he was awarded with minor punishments of warning, advise, recorded warning, severe recorded warning and suspension for 8 days. According to the petitioner, the said orders are not considered as punishment to deny the promotion as Senior Assistant Engineer. The first respondent has rejected the claim of the petitioner, by the order dated 18.12.2014, for promotion to the post of Senior Assistant Engineer on the ground that he was awarded with various punishments of warning, advise, recorded warning, severe recorded warning and suspension for 8 days.

6. The learned counsel appearing on behalf of the petitioner submitted that the punishments imposed on the petitioner, are minor punishments. The said punishments are not a bar for promotion. Promotion to the post of Senior Assistant Engineer is a time bound promotion. Therefore, the petitioner is eligible for promotion, once he completed 12 years of service as Junior Engineer or Assistant Engineer. The petitioner filed 7 appeals before the second respondent, dated 12.07.2017 and mercy petition to the first respondent on 21.05.2018. The same were not considered by the respondents. Therefore, the petitioner sent a representation to the first respondent on 03.06.2019 to dispose of the appeal petitions. The said representation of the petitioner was forwarded by the first respondent to the second respondent. However, the said representation has not been considered by the second respondent, so far. Hence, he come out with the present Writ Petition.

7. Considering the nature of relief sought for by the petitioner, without deciding the issues on merits, the second respondent is directed to dispose of the representation of the

<https://hse.courts.madras.gov.in/hse/videocd>



petitioner, dated 03.06.2019, within a period of four (4) weeks from the date of receipt of a copy of this order.

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

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Additional Chief Secretary to Government,  
Transport Department,  
Secretariat, Chennai.

2. The Managing Director,  
Tamil Nadu State Transport Corporation,  
Corporate Office (South),  
Madurai.

3. The General Manager,  
Tamil Nadu State Transport Corporation,  
Bye Pass Road, Dindigul-624 004.

+1 CC to Mr.M.NATARAJAN, Advocate ( SR-87775[F] dated 19/09/2019 )

+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate ( SR-87864[F] dated  
19/09/2019 )

+1 CC to SPL GP ( SR-88348[F] dated 20/09/2019 )

**W.P. (MD) No.20168 of 2019**

**19.09.2019**

**myr**

\_MK (03.10.2019) 3P 7C