

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.5149 of 2020

S.Anusuya

... Petitioner

.v.

1.The Secretary to Government,
Home (Transport II) Department,
Chennai 600 009.

2.The Transport Commissioner,
Chepauk,
Chennai 600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to give notional promotion to the petitioner husband Shanmugam and compute and disburse the retirement benefits based on notional promotion by considering the petitioner's representation dated 25.01.2020.

For Petitioner : Mr.Swamisubramanian

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

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ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner on 25.01.2020 and pass appropriate orders within the time fixed by this Court.

2.The case of the petitioner is that her husband was working as a Personal Assistant in the Office of the Deputy Transport Commissioner in Villupuram. He was due for a promotion, however his name was not included in the promotion list that was prepared in the year 1999, on the ground that there was a punishment pending against him. This was challenged by the husband of the petitioner before the Tamil Nadu Administrative Tribunal and the application was later transferred to file of this Court and renumbered as W.P.No.42371 of 2006. The writ petition was allowed by an order dated 25.05.2009 and it was also confirmed in the writ appeal in W.A.No.330 of 2014. He made a representation to the respondents in the year 2014 and 2015, seeking for notional promotion and other consequential benefits. Even while the representations were pending, he unfortunately died in the year 2015.

3.The petitioner being his wife has made a representation to the 1st respondent seeking for the relief to which her husband is entitle by virtue of the orders passed by this Court. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.Swamisubramanian, learned counsel appearing for the petitioner and Mr.P.N.Parthasarathi, learned Government Advocate appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the respondents to consider the representation made by the petitioner on 25.01.2020, in line with the judgments that were passed by this Court in the writ petition that was filed by the husband of the petitioner and appropriate orders shall be passed within a period of eight weeks from the date of receipt of copy of this order. The petitioner is also directed to make a fresh representation to the respondents along with a copy of the representation dated 25.01.2020 and a copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP
To

1.The Secretary to Government,
Home (Transport II) Department,
Chennai 600 009.

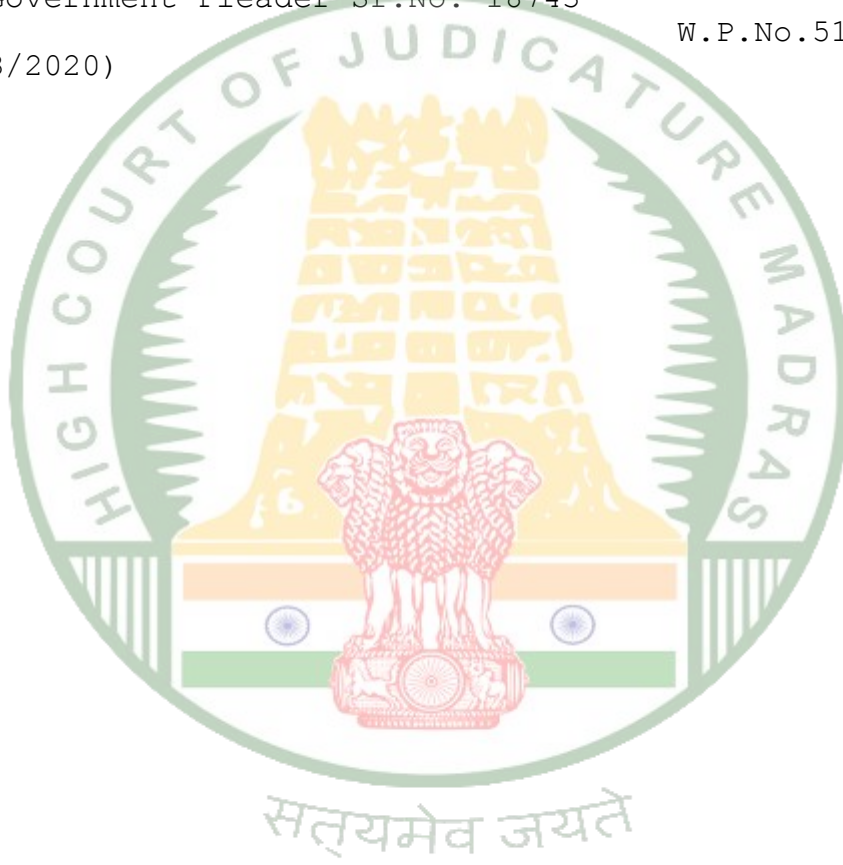
2.The Transport Commissioner,
Chepauk,
Chennai 600 005.

+1cc to Mr.Swamisubramanian , Advocate SR.No. 18113

+1 cc to Government Pleader Sr.No. 18743

W.P.No.5149 of 2020

A.SK(23/03/2020)



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