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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 27606 OF 2013

K.Balasubramanian

..Petitioner

- Vs -

1. The Managing Director
Tamil Nadu State Transport Corporation
No.37, Mettupalayam Road
Coimbatore 641 043.

2. The State of Tamil Nadu
rep. By Secretary
Transport Corporation
Chennai 600 005.

(R-2 impleaded as per order dt.
7.10.13 in WP No.27606/13)

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus to direct the respondent to consider the representation dated 1.12.2012 of the petitioner for promotional post of Superintendent.

For Petitioner : Mr. Vijay Anand

For Respondents : Mr. Sundaravadhanan for R-2
Mr. Kannan Kumar for R-1

ORDER

The petitioner joined the 1st respondent Corporation as Security Guard and, thereafter, acquiring the requisite qualification, participated in the examination and was selected to the post of computer operator. The petitioner was directed to relinquish his earlier post and join the post of computer operator. The petitioner sought for yearly increment and review benefits, which was refused by the respondents. In the interregnum, the petitioner obtained his graduation in Commerce and, though was entitled to be promoted to the post of Assistant, was curiously promoted only as Clerk. In spite of the



representation of the petitioner, he was not promoted to the post of Assistant. In the meanwhile, the seniority list for the post of Superintendent was published for which objections were called for. Though objections were submitted by the petitioner on 6.12.12 and 10.5.13, for which reply was given by the respondent stating that he was not entitled for the same as per Clause 10 (4) of the Wage Settlement. However, persons junior to the petitioner were promoted, which prompted the petitioner to submit a representation finally on 1.12.12, which was acknowledged by the respondent, but no orders have been passed. The petitioner is due to retire on 31.10.13. Since no action has been taken on the said representation, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner, while reiterated the grounds raised in petition submitted that the petitioner has since been superannuated. However, no orders have been passed on the representation and in the event of favourable orders, the petitioner would be entitled to higher pensionary benefits. Therefore, without going into the merits of the matter, it is submitted that the 1st respondent may be directed to consider and dispose of the representation of the petitioner within a particular time frame.

3. Per contra, learned counsel appearing for the 1st respondent submits that the petitioner has since retired from service and, therefore, the prayer sought for has become infructuous.

4. This Court heard the submissions advanced by the learned counsel appearing for the parties and perused the materials available on record.

5. Though many grounds have been raised, however, in view of the limited relief sought for by the petitioner for consideration of his representation, in which event, he would be entitled to notional promotion and enhanced pensionary benefits, this Court, without going into the merits of the contentions, permits the petitioner to submit a copy of the representation dated 1.12.2012 along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the copy of the representation along with a copy of this order, the 1st respondent is directed to dispose of the said representation within a period of three months from the date of receipt of the said representation.



6. This writ petition is disposed of with the aforesaid observation and direction. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Managing Director
Tamil Nadu State Transport Corporation
No.37, Mettupalayam Road
Coimbatore 641 043.
2. The Secretary to Government
Transport Corporation
Government of Tamil Nadu
Chennai 600 005.

+1cc to Mr.A.Sundara Vadhanam, Advocate, S.R.No.25153

W.P. NO. 27606 OF 2013

KKV/07/08/2020