

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 12.02.2020
Coram
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.6877 of 2013

T.Kannappan

... Petitioner

Vs.

1. The Transport Secretary,
The Tamil Nadu Secretariat,
Fort St. George, Chennai 600 009.
2. The Managing Director,
The Tamil Nadu State Transport Corporation,
Villupuram Division, 3/137 Salamedu,
Villupuram 605602.
3. The General Manager,
The Tamilnadu State Transport Corporation,
Villupuram Division III,
Kancheepuram Region, Kancheepuram. ... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue an order, direction or writ particularly in the nature of writ of mandamus directing the 2nd respondent to apply the statutory service rules available to review the petitioner's promotion from 01.02.2001.

For Petitioner : No appearance

For Respondent : Mr.S.Thangavel, Spl.Gov.Pleader
(for R1)
: Mr.C.S.K.Sathish,
(for R2 and R3)

O R D E R

This petition has been filed direction to the 2nd respondent to apply the available statutory service rules to review the petitioner's promotion from 01.02.2001.

2. The case of the petitioner is that he was appointed in the post of conductor on 15.04.1986 on daily wages and then his appointment was regularised from 01.03.1987. Thereafter, he was promoted as Senior Conductor on 01.08.1992 and then, promoted as Checking Inspector on 01.08.2000.

2.1. According to the petitioner, as per the Service Rules, the third review should have been calculated immediately after 8 years from the date of promotion in the post of Checking Inspector and if 8 years is added, the next promotion could have been given to the petitioner on 01.02.2008 to the post of Senior Checking Inspector. But the respondents have given the above said post only during the year 2010. The contention of the writ petitioner is that, the above said statutory rule was applied to one of his colleagues R.Chakrapani and he was promoted as Senior Checking Inspector on 01.11.2008. However the above said rule was not applied to the case of the petitioner. He also made several representations to the respondents seeking promotion to the post of Traffic Inspector, but there was no response. Hence this writ petition.

3. The learned counsel appearing for the respondents submitted that already, the petitioner filed a writ petition in W.P.No.24590 of 2008 to amend the service rules and to promote him as Traffic Inspectors and the same was dismissed by this court on 23.07.2012. Therefore, the petitioner is not entitled to seek review his promotion from 01.02.2001, as claimed in the petition. However, his next promotion shall be considered in the light of the existing rules.

4. Recording the above said submissions made by the learned counsel appearing for the respondents, this court is inclined to pass the following order.

i) The 2nd respondent is directed to consider the representation dated 09.02.2013 made by the petitioner on merits, in accordance with law, as early as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

ii) The copy of this order shall be enclosed along with the representation, addressed to the 2nd respondent.

5. With the above observation, this writ petition is disposed of. No costs.

mst

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Transport Secretary,
The Tamil Nadu Secretariat,
Fort St. George, Chennai 600 009.
2. The Managing Director,
The Tamil Nadu State Transport Corporation,
Villupuram Division, 3/137 Salamedu,
Villupuram 605602.
3. The General Manager,
The Tamilnadu State Transport Corporation,
Villupuram Division III,
Kancheepuram Region, Kancheepuram.

+1cc to Mr.C.S.K.Sathish, Advocate SR.No.11139

W.P.No.6877 of 2013

(CO)
mst(28/05/2020)



12.02.2020

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