

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.9759 of 2014
and
MP No.1 of 2014

C. Loganathan

... Petitioner

Vs

The Commissioner of Transport
Chepauk,
Chennai - 600 005.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondent to consider the claim of the petitioner for promotion as P.A. To RTO for the year 2011-12 published by the respondent in Proceedings R. No.8140/R1/2011 (EO No.172/2011) dated 20.05.2011 and promote him as PA to RTO and grant him all consequential service and monetary benefits at par with his junior.

For Petitioner : Mr.Gowtham
for Mr.M.Muthappan

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

(This case has been heard through video conferencing)

This writ petition has been filed for a direction to the respondent to consider the claim of the petitioner for promotion as P.A. To RTO for the year 2011-12 vide Proceedings R. No.8140/R1/2011(EO No.172/2011) dated 20.05.2011 and promote him as PA to RTO and grant him all consequential service and monetary benefits at par with his junior.

2. The case of the petitioner is that he was appointed as Typist on 17.12.86 and subsequently promoted to the post of Superintendent on 16.2.2006. Thereafter he was placed in the panel for the next level of promotion in 5th position. Due to framing of charges, his case for promotion

was deferred and accordingly, his juniors were promoted, who were positioned in S.Nos.6 to 9 and thereafter they were promoted as P.A to R.T.O. While so, he filed writ petition before this Court for a direction to dispose of the disciplinary proceedings levelled against him and the said petition was closed recording the submissions that the charges framed was dropped and accordingly proceedings dated 25.10.2012 was issued by the respondent to that effect. That being the case, he claimed promotion on par with his juniors, who were placed above him in the panel, prior to initiation of charges against him. Hence, he filed this writ petition for appropriate direction to the respondent.

3. Learned counsel for the petitioner would submit that due to pendency of charges initiated against him, his name was deferred and his juniors were given promotion to the post of P.A. to R.T.O. However, the charges levelled against the petitioner was dropped by exonerating him from the purview of disciplinary proceedings. Hence he is having a right to claim promotion on par with his juniors, who were promoted earlier. He fairly submitted that since the petitioner retired, it would suffice if this Court may issue appropriate direction to the respondent by placing his name in the panel for promotion ahead of his juniors, promote him to the post of P.A. to R.T.O. on par with his juniors with all consequential monetary benefits, within a time frame.

4. Learned Special Government Pleader appearing for the respondent has no objection to issue a direction to the respondent to consider the claim of the petitioner in accordance with law.

5. Perused the materials on record placed before this Court.

6. Having regard to the above facts and the nature of relief sought for in this writ petition, this Court is of the view that the claim made by the petitioner for promotion as PA to RTO cannot be considered by this Court in exercise of powers conferred under Article 226 of the Constitution of India. Such a relief sought for by the petitioner is to be best left open to be considered by the respondent. In the instant case, since the petitioner retired and limited relief is sought for by the petitioner as well the submissions of the learned counsel on both sides, this Court is inclined to issue a direction to the respondent to consider the claim of the petitioner to place his name in the panel for promotion to the post of P.A. to R.T.O. on par with his juniors with all consequential monetary benefits on merits and in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

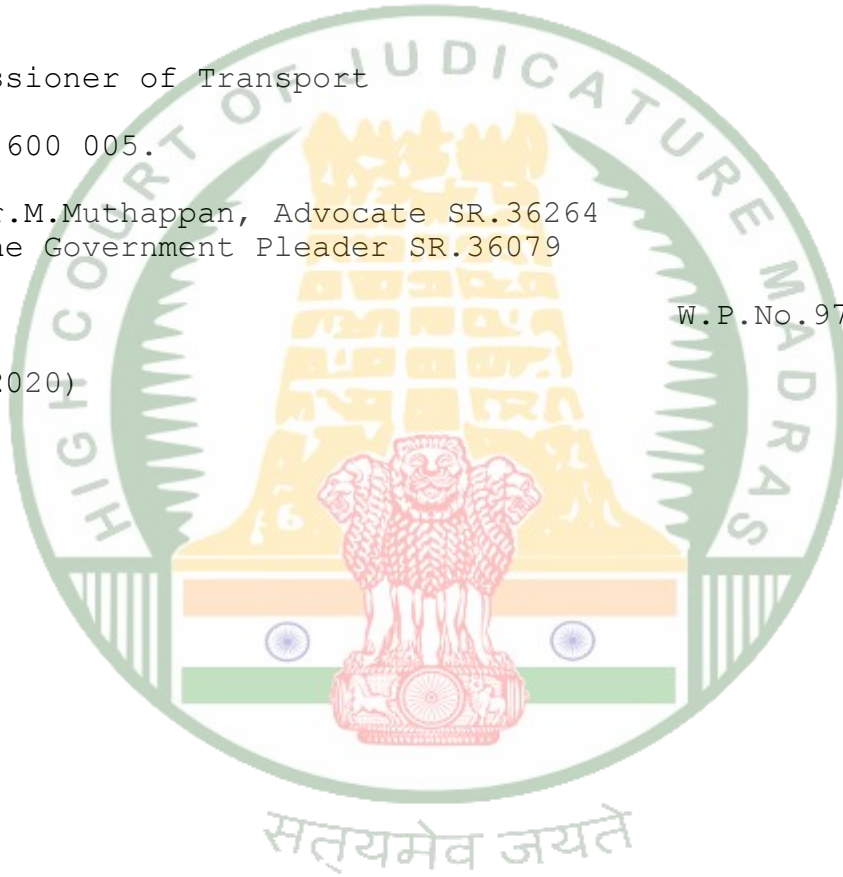
To

The Commissioner of Transport
Chepauk,
Chennai - 600 005.

+1cc to Mr.M.Muthappan, Advocate SR.36264
+1cc to the Government Pleader SR.36079

W.P.No.9759 of 2014

KJ(CO)
CB(14/12/2020)



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