

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3903 of 2019

S.Sudhakar

... Appellant

Vs

1. The Transport Commissioner
Ezhilagam, Walaja Road
Chepauk, Chennai - 600 005.

2. The Regional Transport Office
Chennai Thiruvallur High Road
Chinna Ekkadu, Jaya Nagar
Thiruvallur - 602 001.

... Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 10.9.2019 passed by the learned Single Judge in W.P.No.17751 of 2019.

Prayer in WP No.17751 of 2019 : Petition filed under Article 226 of the Constitution of India for praying for issuance of Writ of Certiorarified mandamus, calling for the records of the 1st respondent in proceedings No.18164/RA2/2019 (E.O.No.249/2019) dated 29.05.2019 and quash the same and direct the respondent to re-consider the representations dated 09.05.2019 as per section 57 of the Tamilnadu Government Servants (Conditions of Service) Act 2016 for a period of 3 years considering the family circumstances.

For Appellant

: Mr.P.Prakash Paul

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader

JUDGMENT
(Delivered by SUBRAMONIUM PRASAD, J.)

The appellant/writ petitioner has approached this Court by filing the instant writ petition challenging the order dated 29.5.2019 by which his application for relinquishing his promotion has been rejected. The learned Single Judge has upheld the order and has rejected the writ petition, which is in challenge before us in the instant writ appeal.

2. The appellant/writ petitioner states that he joined the services of the Government on 1.12.2002 as a Fireman. Later, he cleared the TNPSC Group IV Examination and was selected as Entry Level Typist and joined duty at Chief Judicial Magistrate Court, Vellore. His family stays in Tiruvannamalai. The appellant/writ petitioner therefore wanted to be transferred to Tiruvannamalai so that he can take care of his family. The transfer was granted and he was posted to a place near Tiruvannamalai. The appellant/writ petitioner gave a representation on 7.5.2019 for temporary relinquishment under Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 stating that he wants to relinquish his right to be promoted to the promotional post so that he can continue in the present post. The said application was rejected by the order impugned in the writ petition by stating that the reasons given by the appellant/writ petitioner for permanent relinquishment of his rights for further promotion are not valid. The order further records that if the request of the appellant/writ petitioner is accepted, it will affect the smooth functioning of the administration and also affect the promotional opportunities of the feeder category of Assistant. This order was challenged in the instant writ petition.

3. The learned Single Judge after going through the entire records and material came to the conclusion that in the facts and circumstances of the present case, no valid grounds have been placed by the appellant/writ petitioner for acceptance of his request. The learned Single Judge also upheld the order which states that if the appellant/writ petitioner is permitted to relinquish his rights of promotion it would affect the smooth functioning of the administration and also affect the promotional avenues of the feeder category of Assistant.

4. We do not find any infirmity with the order dated 29.5.2019 and it is well settled that the Courts cannot sit on the armchair of the administrative bodies and come to a different conclusion just because it is possible and that too in the absence of any valid and cogent material. There is nothing placed before us to show that the order of the authority is perverse and suffers from non application of mind.

In view of the above, we do not find any merit in this writ appeal and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sasi

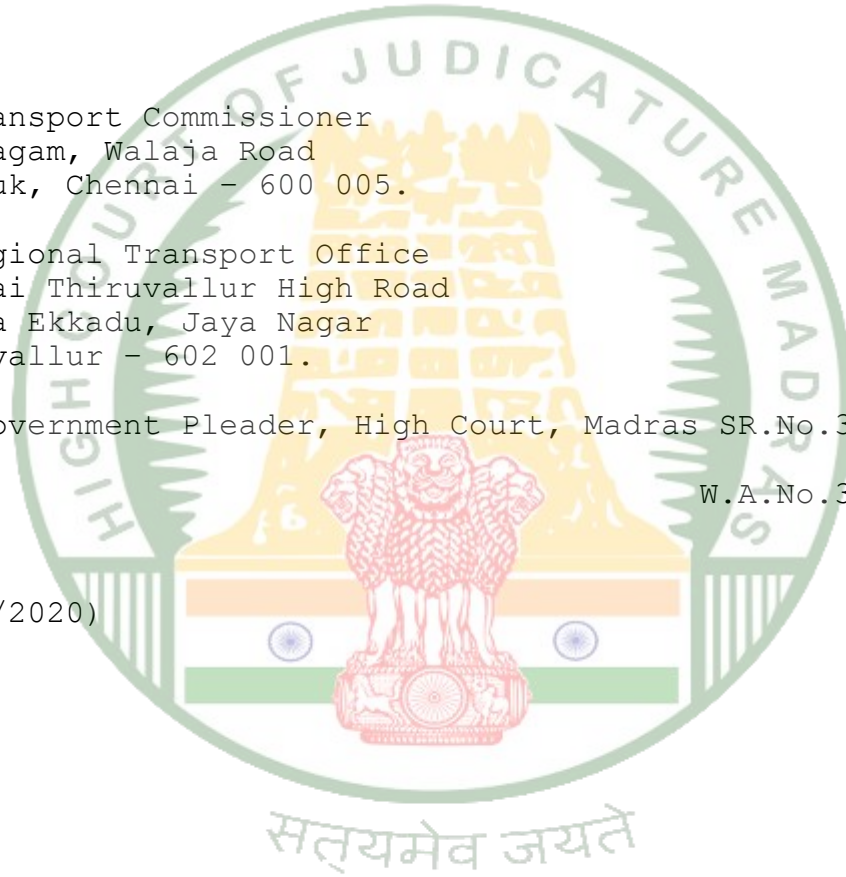
To:

1. The Transport Commissioner
Ezhilagam, Walaja Road
Chepauk, Chennai - 600 005.
2. The Regional Transport Office
Chennai Thiruvallur High Road
Chinna Ekkadu, Jaya Nagar
Thiruvallur - 602 001.

+1cc to Government Pleader, High Court, Madras SR.No.3882

W.A.No.3903 of 2019

PPA(CO)
GMY(06/02/2020)



WEB COPY