



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5022 of 2020

K.M.Jainudeen

... Petitioner

/vs./

1. The General Manager
Tamil Nadu State Transport
Corporation Tamil Nadu Ltd.,
Pallavan Salai
Chennai 600 002

2. The Branch Manager
Tamil Nadu State Transport
Corporation Tamil Nadu Ltd.,
Maruthupathi
Karaikudi
Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to transfer the petitioner to the post of Junior Engineer (Mechanical) or Junior Clerk in the light of the letter No.5758/C1/2016-2 dated 28.07.2016 of Transport C1 Department, St.George Fort, Chennai by considering his representation dated 30.06.2018.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.P.Balasubramanian
Standing Counsel

ORDER

This Writ petition has been filed for a direction to the respondents to transfer the petitioner to the post of Junior Engineer (Mechanical) or Junior Clerk in the light of the letter No.5758/C1/2016-2 dated 28.07.2016 of Transport C1 Department,

<https://hcservices7590ts.gov.in/hcservices/>



St.George Fort, Chennai by considering his representation dated 30.06.2018.

2. By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3. The learned counsel for the petitioner would submit that the petitioner's father was employed in the second respondent Corporation as Conductor. He died on 20.12.2007, while he was in service. The learned counsel would further submit that the petitioner had completed Diploma in Mechanical Engineering and got certificate from Government of Tamil Nadu, State Board Technical Education. After death of his father, as per prevailing rules of Corporation, the petitioner had applied for appointment in the second respondent Corporation on compassionate grounds. After considering the qualification of the petitioner, he was called for interview for the post of Conductor and after interview, he was appointed as daily wages Conductor vide order dated 15.06.2015. Even though he was appointed as a Conductor, on the special occasion he was posted as revenue clerk and he is discharging his duty without any blemishes and no allegation against him in his service for the past five years. In these circumstance, the petitioner sent the representations, dated 10.11.2016 and 24.10.2017 respectively, to the respondents requested to change his designation to the post of Junior Engineer as prescribed in the Common Service Rules in Part B(3) of Appendix IV. But, no action has been taken by the respondents. Again he sent a representation, dated 30.06.2018 to the respondents. But, the first respondent has not considered his representation, dated 30.06.2018 in the light of Government letter No.5758/C1/2016-2, dated 28.07.2016 Transport (C1) Department, Fort George, Chennai. Aggrieved over the same, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

5. Considering the limited relief sought for in the Writ petition and without advertting to the merits of the case, the respondents are directed to consider the representation of the petitioner, dated 30.06.2018 in the light of the letter No.5758/C1/2016-2, dated 28.07.2016 Transport (C1) Department, ST.George Fort, Chennai and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation, dated 30.06.2018 along with this order copy to the respondents.



6. With the above direction, this Writ petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar ()

/ /2020

Sub Assistant Registrar (CS)

To

1. The General Manager
Tamil Nadu State Transport
Corporation Tamil Nadu Ltd.,
Pallavan Salai
Chennai 600 002

2. The Branch Manager
Tamil Nadu State Transport
Corporation Tamil Nadu Ltd.,
Maruthupandi
Karaikudi
Sivagangai District .

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-10827[F] dated 10/03/2020)

+1 CC to M/s.D.HAROON RASHEED, Advocate (SR-10935[F] dated 10/03/2020)

Order made in
W.P. (MD) No.5022 of 2020 and
10.03.2020

SRS/ 05.05.2020/ 2P/5C