

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5610 of 2021

D.Nedunchezian

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home (Transport) Department,
Fort St. George, Chennai 600 009.
2. The Transport Corporation,
Ezhilagam, Chempauk,
Chennai 600 005.
3. The Joint Transport Commissioner,
K.Pudhukulam, K.Pudhur,
Madurai 625 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to consider the representation dated 18.12.2020 for promoting the Petitioner to 'Deputy Transport Commissioner' and then to 'Joint Transport Commissioner' on par with junior along with all benefits such as payment of salary, increment, Dearness Allowance, Chennai City House Rent Allowance, Chennai City Compensatory Allowance, Backwages, all consequential service benefits, bonus, Medical benefits, other allowances, etc and for extension of service with service benefits beyond the date of superannuation till the actual date of revocation of suspension, within a stipulated time.

For Petitioner : Mr.G.Anbumani,
for Mr.V.Sankaranarayanan

For Respondents : Mr.J.Pothiraj

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to consider his representation dated 18.12.2020 for promoting him to 'Deputy Transport Commissioner' and then to 'Joint Transport Commissioner' on par

with his juniors along with all benefits, and for extension of service with service benefits beyond the date of superannuation till the actual date of revocation of suspension.

2. According to the Petitioner, though backwages and pension have been disbursed to him, Respondents did not consider his representation dated 15.12.2016 seeking promotion and other benefits, which he is legally entitled to. Hence, he made a fresh representation dated 18.12.2020 to the Respondents, in respect of his grievance.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the Respondents herein to consider the Petitioner's representation dated 18.12.2020 on merits and in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of ninety days from the date of receipt of a copy of this order.

5. Petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of his representation and a copy of this order, to the Respondents forthwith. Respondents are directed to communicate the decision taken on the said representation to the Petitioner herein within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that, there is no need for the parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction and observation, this Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

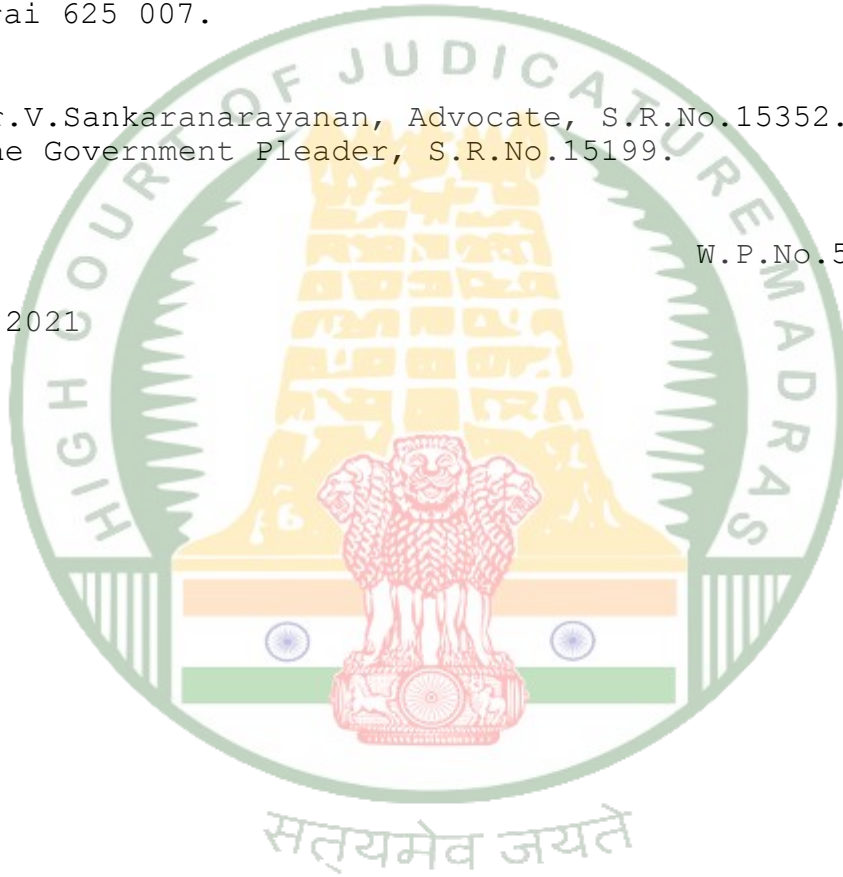
To:

1. The Principal Secretary to Government,
Home (Transport) Department,
Fort St. George, Chennai 600 009.
2. The Transport Corporation,
Ezhilagam, Chepauk,
Chennai 600 005.
3. The Joint Transport Commissioner,
K.Pudhukulam, K.Pudhur,
Madurai 625 007.

+1cc to Mr.V.Sankaranarayanan, Advocate, S.R.No.15352.
+1cc to the Government Pleader, S.R.No.15199.

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SKY(CO)
Csr 01.04.2021



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