

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12367 of 2018

S.Parthiban

...Petitioner

Vs

1.The Additional Chief Secretary to
Government,
Transport Department,
Secretariat, Chennai-600 009.

2.M/s.Tamil Nadu State Transport
Corporation (Kum) Ltd.,
Rep.by its Managing Director,
Railway Station New Road,
Kumbakonam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents deemed to promote the petitioner as Driving Instructor and further promotion as Traffic Inspector with consequential promotional benefits on par with petitioners juniors by taking into consideration of the petitioner's representation dated 03.04.2018.

For Petitioner : Mr.D.Soundar Raj

For Respondents: Mr.S.Thangavelu, SGP for R1

: Mr.D.Venkatachalam for R2

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The issue as to whether the petitioner deserved to be promoted to the post of Driving Instructor and further as Traffic Inspector is based on certain factual aspects and therefore, the second respondent would be the appropriate authority to consider the same. In case, the decision is taken on the petitioner's request and the petitioner is aggrieved against the same, it would always be open to the petitioner to approach this Court. However, this Court does not intend to step into the shoes of the second respondent for the purpose of considering the petitioner's request for promotion. However, if the petitioner is granted liberty to make a fresh representation to the second respondent seeking for promotion

with a consequential direction to the second respondent for consideration of the same within a stipulated time, the ends of justice could be secured.

3. In the light of the above observation, the petitioner herein is granted liberty to make a fresh representation to the second respondent ventilating his grievances and on receipt of the same, the second respondent shall consider the same on its own merits and take appropriate course of action in accordance with law, within a period of three months from the date of receipt of the representation.

4. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Additional Chief Secretary to
Government,
Transport Department,
Secretariat,
Chennai-600-009.

2.The Managing Director,
M/s.Tamil Nadu State Transport
Corporation (Kum) Ltd.,
Railway Station New Road,
Kumbakonam.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No. 25621

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No. 25633

+1cc to the Government Pleader, S.R.No. 26004

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PP (CO)
GN(12/07/2021)