

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.13029 of 2020
and
W.M.P.No.16141 of 2020

M.Dhinakaran

...Petitioner

Vs

1.The Principal Secretary,
Transport Commissioner Chepauk,
Chennai-5.

2.The Principal Secretary to Government,
Home (Transport-IIA) Department,
Fort St.George, Chennai-9.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner in the cadre of Assistant by including his name in the panel of the year 2012-13 by placing him in the appropriate place at par with his junior and further direct the respondents to consider his claim for further promotion as Superintendent for the panel year 2016-17 and grant him all consequential service monetary benefits at par with his junior. and grant such other further relief.

For Petitioner : Mr.K.Venkatramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.Thippu Sulthan
Government Advocate

O R D E R

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

2. The petitioner herein is aggrieved against the non-inclusion of his name in the Assistant panel for the year 2012-

13 and therefore sought for issuance of a writ of mandamus to revise the seniority list and a consequential prayer to consider his claim for promotion as Superintendent for the panel year 2016-17. The petitioner herein claims to have given a representation on 08.06.2020, which is now pending before the first respondent.

3. The revision of seniority and the consequential preparation of promotion panel are issues based on various factual aspects and this Court may not be justified in stepping into the shoes of the respondents for the purpose of revision of seniority list of the Government employees. However, when the petitioner makes a representation ventilating his grievance for non-inclusion of his name in the promotion panel, there is a duty cast on the authorities to consider his objections expeditiously and non-consideration of such a representation would amount to dereliction of duties and this Court may be justified in invoking its power under Article 226 of the Constitution of India for the purpose of considering the representation.

4. At this juncture, the learned Senior Counsel appearing for the petitioner submitted that there has been further developments where his juniors have been promoted and therefore, he seeks for liberty to make a fresh representation.

5. In the light of the submission made by the learned Senior Counsel, the petitioner is granted liberty to make a fresh representation to the respondents within a period of 12 weeks from the date of receipt of a copy of this order and on receipt of the same, the concerned respondent shall consider the same along with the earlier representation made by the petitioner on 08.06.2020 and take further course of action and pass appropriate orders on its own merits and in accordance with law, within a period of 3 months from the date of receipt of the representation.

6. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

hvk

To

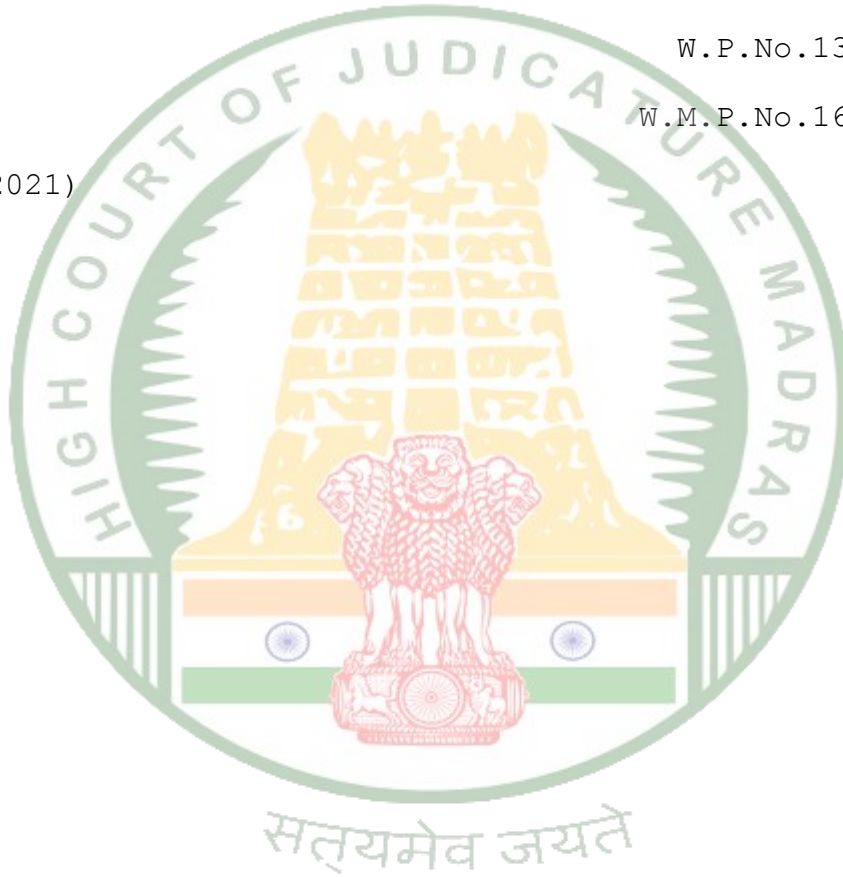
1.The Principal Secretary,
Transport Commissioner Chepauk,
Chennai-5.

2.The Principal Secretary to Government,
Home (Transport-IIA) Department,
Fort St.George, Chennai-9.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.20774
+1cc to the Government Pleader, S.R.No.31399

W.P.No.13029 of 2020
and
W.M.P.No.16141 of 2020

RSV(CO)
CB(09/07/2021)



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