



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.361 of 2021

N.Chandrasekaran

... Petitioner

Vs.

1.The Secretary to Government,
Home (Transport) Department,
Secretariat,
Chennai 600 009.

2.The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai 600 005.

3.The Deputy Transport Commissioner,
Opposite to Collectors Office,
Virudhunagar.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the the first respondent i.e., the Secretary to Government, Home (Transport) Department, Chennai to pass appropriate orders on the petitioner's representation dated 28.08.2020, regarding notional promotion on par with his junior as Deputy Transport Commissioner and Joint Transport Commissioner and to revise his pension on par with juniors within a specified time frame, that may be fixed by this Honourable Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Mahendran

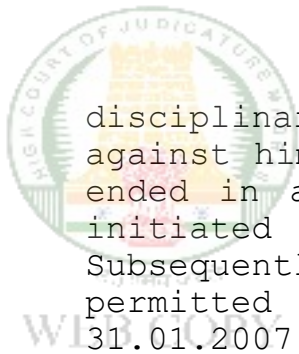
Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the first respondent to pass appropriate orders on the petitioner's representation dated 28.08.2020, regarding notional promotion on par with his junior as Deputy Transport Commissioner and Joint Transport Commissioner and to revise his pension on par with his juniors.

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

3. The case of the petitioner is that he served as Regional Transport Officer in the Transport Corporation and superannuated on 31.01.2007. But, he was not allowed to retire and he was placed under suspension as per G.O.(2D)Nos.62 and 63 Home (Transport II) Department, dated 31.01.2007, due to the reason that three



disciplinary proceedings as well as the criminal case are pending against him. Thereafter, the criminal case in C.C.No.22 of 1997 was ended in acquittal, on 29.01.2016 and the disciplinary proceeding initiated against him was also ended in favour of the petitioner. Subsequently, the order of suspension was revoked and he was also permitted to retire from the date of superannuation i.e, on 31.01.2007. Therefore, the petitioner has made a representation to the respondents on 28.08.2020, claiming notional promotion and other monetary benefits. But till date the same was not considered. Hence, the petitioner has approached this Court by filing this writ petition.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that it would suffice, if the representation made by the petitioner dated 28.08.2020, is directed to be considered by the first respondent.

5. The learned Additional Government Pleader appearing for the respondents has no serious objection for considering the petitioner's representation, dated 28.08.2020.

6. Taking note of the said submissions made, the first respondent is directed to consider the representation made by the petitioner, dated 28.08.2020 and pass appropriate 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, if not disposed of already.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl.side)

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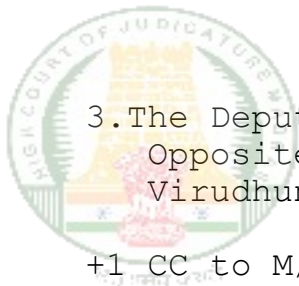
/ /2021

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Home (Transport) Department,
Secretariat,
Chennai 600 009.

2.The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai 600 005.



3.The Deputy Transport Commissioner,
Opposite to Collectors Office,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-1165[F] dated 19/01/2021)

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W.P. (MD) No.361 of 2021
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ES (CO)

KB(29.01.2021) 3P 5C