



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD).No.14818 of 2021

G.Kumar

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home (Tr.IIA) Department,
Secretariat, Chennai - 600009,

2.The Transport Commissioner,
Chepauk,
Chennai - 5.

... Respondents

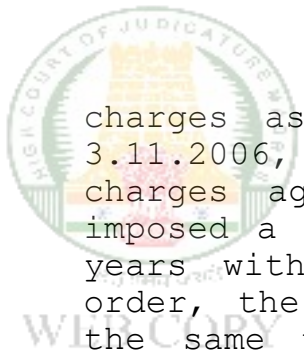
PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents herein to issue appropriate orders re-fixing the petitioner's seniority as Assistant for the year 2005-2006, Superintendent for the year 2012-2013 and Motor Vehicle Inspector (Non Technical) for the year 2017-2018 above his immediate junior and promote the petitioner notionally with effect from the date of promotion of immediate junior and consequently promote the petitioner as Personal Assistant to Regional Transport Officer for the year 2021-2022 with all consequential service benefits.

For Petitioner : Mr.Ravi Shanmugam
For Respondents : Mr.S.Shanmugavel
Standing Counsel

O R D E R

The writ petition is filed for the issuance of a Writ of Mandamus directing the respondents herein to issue appropriate orders re-fixing the petitioner's seniority as Assistant for the year 2005-2006, as Superintendent for the year 2012-2013 and Motor Vehicle Inspector (Non Technical) for the year 2017-2018 above his immediate junior and promote the petitioner notionally with effect from the date of promotion of immediate junior and consequently promote the petitioner as Personal Assistant to Regional Transport Officer for the year 2021-2022 with all consequential service benefits.

2.According to the Writ Petitioner, he joined as Junior Assistant in the year 2000 in the respondent department and while he was working as Junior Assistant, there was a surprise check by the Vigilance and Anti Corruption Department, Trichy. Based on the aforesaid check, the Deputy Transport Commissioner has framed 17 (b)



charges as against the petitioner on 11.03.2004. Thereafter, on 3.11.2006, the second respondent had passed final order by holding charges against the petitioner under Rule 17(b) as proved and imposed a punishment of stoppage of increment for a period of two years without cumulative effect and against the said punishment order, the writ petitioner had preferred the statutory appeal and the same was rejected by the Government on 28.07.2015 and his promotion as Assistant with effect from 03.08.2006 was also denied. Challenging the said final order passed by the appellate authority, a writ petition had been filed in W.P.(MD).No.16294 of 2015 and the aforesaid writ petition was allowed. While being so, the petitioner's junior was included in the panel of Assistants fit for promotion as Superintendents drawn for the year 2012-2013 and the aforesaid junior was promoted as Superintendent on 01.02.2013 and he was further promoted as Motor Vehicle Inspector (Non Technical) for the year 2017-2018 with effect from 10.01.2018. Therefore, according to the petitioner in the light of the setting aside of the aforesaid punishment order by this Court, the writ petitioner is entitled for the prayer on par with his junior. He further submitted that as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, Section 7(1) Schedule XI Part A II, the petitioner is entitled to be promoted as Assistant, Superintendent, Motor Vehicle Inspector (Non Technical) and Personal Assistant to Regional Transport Officer, from the date of promotion of his immediate junior. Hence the petitioner submitted a representation on 21.12.2020 through proper channel and the same is pending. Therefore, the petitioner seeks for a direction to the first respondent to consider his representation in accordance with law and as per the Rules and pass appropriate orders.

3.Since the petitioner has sought for to consider the said representation within a stipulated time, without expressing any opinion on merits, this Court is inclined to direct the first respondent to consider the representation dated 21.12.2020 on its own merits and in accordance with law and pass orders as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose a copy of the said representation along with this order copy addressed to the first respondent.

4.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1.The Additional Chief Secretary to Government,
Home (Tr.IIA) Department,
Secretariat, Chennai - 600009,

2.The Transport Commissioner,
Chepauk,
Chennai - 5.

+1 CC to M/s.GP (SR-28078[F] dated 03/09/2021)

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SRK(CO)/RS (07.10.2021) 3P 4C