



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18629 of 2021

WEB COPY

P.Nagajothi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
27, New Railway Station Road,
Kumbakonam - 612001.

2.The General Manager,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
Karaikudi Region,
Managiri Post,
Maruthapathi,
Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to credit the promotion benefits in his pension.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian,
Standing Counsel.

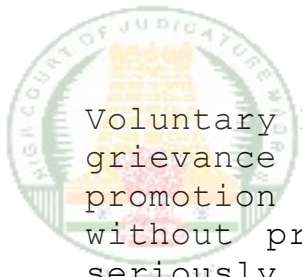
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to credit the promotion benefits in his Pension.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was appointed as a Junior Tradesman in Respondent Corporation on 01.10.1982 and retired on



Voluntary Retirement Scheme on 24.03.2015 as Senior Tradesman. The grievance of the petitioner is that he is entitled to the promotion to the post of Foreman, but his promotion was rejected without proper reasons, due to which, his health condition was seriously affected and he suffered with a stroke and hence, as per the provisions of The Rights of Persons with Disabilities Act, 1995, he is entitled to the promotion on par with his juniors and hence, he made a representation on 21.08.2021 to the respondents, seeking to effect promotion on par with his juniors and credit the promotion benefits in his pension. Since no response was forthcoming, the petitioner has come forward with the present Writ Petition.

5.The learned Standing counsel appearing for the respondents would submit that the representation made by the petitioner would be considered in accordance with law if it is otherwise in order as per the provisions of the Limitation Act.

6. Though the petitioner sought for a direction to effect the promotion from the date of the petitioner's junior was promoted and credit the promotion benefit in his pension, now the learned counsel for the petitioner would submit that it would suffice to direct the respondents to consider the representation of the petitioner dated 21.08.2021 and dispose of the same within a stipulated time.

7.Considering the submissions made by the learned counsel on either side and also considering the limited scope of prayer as sought for by the petitioner, without expressing any opinion on merits, this Court, directs the respondents to consider and dispose of the representation made by the petitioner dated 21.08.2021 in accordance with law and on merits and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dn

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purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-32176[F] dated 21/10/2021)

+1 CC to M/s.K.GOKUL, Advocate (SR-32213[F] dated 22/10/2021)

W.P(MD)No.18629 of 2021
20.10.2021

RD/JC(12/11/2021) 3P 5C