



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP(MD)No.19878 of 2021

A.Kannan

... Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department,
Secretariat, Chennai.

2.The Managing Director,
TNSTC (MDU) Ltd.,
Corporate Office,
Madurai Division,
Bye Pass Road, Madurai.

3.The General Manager,
TNSTC (MDU) Ltd.,
Bye Pass Road, Collectorate (Post),
Dindigul - 624 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 15.07.2021 seeking to notionally promote the petitioner as Senior Assistant Engineer with effect from 12.03.2001 and consequently notionally promote the petitioner as Assistant Manager and Deputy Manager with effect from 17.12.2012 and 30.03.2020 respectively and confer the petitioner with all monetary and other attendant benefits and pass suitable orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan

For Respondents : Mr.S.Shanmugavel
Government Advocate for R1

Mr.J.Senthil Kumaraiah,
Standing Counsel for R2 & R3

ORDER

The petitioner has filed this writ petition for issuance of writ of mandamus to direct the respondents to consider the petitioner's representation dated 15.07.2021 and consequently to grant notional promotion to the petitioner.

WEB COPY

2. Mr.S.Shanmugavel, learned Government Advocate takes notice for the first respondent. Mr.J.Senthil Kumaraiah, learned Standing Counsel takes notice for the respondents 2 and 3.

3. The petitioner was appointed as Junior Assistant in the year 1987 and he was promoted as Assistant Engineer in the year 1997. The grievance of the petitioner is that the promotion of the petitioner is delayed on account of the pendency of departmental proceedings for a long time and that the petitioner being a senior person is entitled to seek promotion after the disciplinary proceedings initiated against him are over. The petitioner has submitted a representation dated 15.07.2021 seeking notional promotion as a Senior Assistant Engineer with effect from 12.03.2001. This representation is not yet considered by the respondents. Hence, the learned counsel for the petitioner states that a direction may be issued to consider the representation of the petitioner.

4. Having regard to the limited scope of prayer in the writ petition, without expressing any opinion on the merits of the writ petition or the case pleaded by the petitioner in the affidavit filed by the petitioner, the second respondent is directed to consider the representation of the petitioner dated 15.07.2021 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.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mbi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

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+1 CC to M/s.SPL.GP (SR-33674[F] dated 08/11/2021)

+1 CC to M/s.M.NATARAJAN, Advocate (SR-33597[F] dated
02/11/2021)

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RK/PM(17/11/2021) 3P 6C