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W.P.No.27986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27986 of 2022

M.Shanmugam

... Petitioner

Versus

1. The Additional Chief Secretary to Government
Home (Transport IIA) Department,
Fort St.George, Chennai-9.

2. The Transport Commissioner,
Chepauk, Chennai-5

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to consider the claim of the petitioner for promotion as Regional Transport Officer in the panel for the year 2009-2010 and promote him as Regional Transport Officer and grant him all consequential service and monetary benefits including pensionary benefits at par with his juniors.

For Petitioner : Mr.Venkataramani
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.L.S.M.Hasan Fizal
AP



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ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the claim of the petitioner for promotion as Regional Transport Officer in the panel for the year 2009-2010 and promote him as Regional Transport Officer and grant him all consequential service and monetary benefits including pensionary benefits on par with his juniors.

2. Heard Mr.Venkataramani, learned Senior Counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

2.The petitioner claims that only due to the pendency of the disciplinary proceedings against him earlier, the petitioner was not granted promotion to the post of Regional Transport Officer in the year 2009-2010. According to him, the charges framed against the petitioner in both the disciplinary proceedings have now been exonerated and therefore, he is eligible for notional promotion on par with his juniors to the post of Regional Transport Officer in the year 2009-2010. The petitioner has given a representation on 15.03.2022 seeking for the aforementioned relief. Since the representation has



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not been considered till date, he has filed this writ petition.

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3. The petitioner has filed documents along with the writ petition to substantiate his claim that the disciplinary proceedings initiated against him have now been dropped. Under those circumstances, the petitioner seeks for promotion on par with his juniors from the year 2009-2010 to the post of Regional Transport Officer. It is for the respondents to consider the petitioner's claim on merits and in accordance with law based on his representation dated 15.03.2022 within a time frame to be fixed by this Court.

4. No prejudice would be caused to the respondents if such a direction is issued by this Court

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation seeking for notional promotion on par with his juniors to the post of Regional Transport Officer in the panel for the year 2009-2010 within a period of twelve weeks from the date of receipt of a copy of this order.

ABDUL QUDDHOSE, J.



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6. With the aforesaid direction, the writ petition is disposed of. No costs.

19.10.202

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Additional Chief Secretary to Government
Home (Transport IIA) Department,
Fort St.George, Chennai-9.
2. The Transport Commissioner,
Chepauk, Chennai-5

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