



W.P.(MD)No.28667 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28667 of 2022

V.Veerakanthasamy

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home (Tr-II) Department,
Secretariat,
Chennai-600 009.

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

3. The Deputy Transport Commissioner,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent i.e., the Transport Commissioner, Chennai to fix the petitioner's pay



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notionally on the date of retirement in the cadre of Deputy Transport Commissioner on par with his junior Thiru.G.James and direct the Deputy Transport Commissioner, Tirunelveli to send revised pension proposals to the Accountant General, Chennai as per G.O.(2D).No.361 Home (Tr-II) Department, dated 29.10.2002, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam.

For Respondents : Mr.C.Satheesh

Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent i.e., the Transport Commissioner, Chennai to fix the petitioner's pay notionally on the date of retirement in the cadre of Deputy Transport Commissioner on par with his junior Thiru.G.James and direct the Deputy Transport Commissioner, Tirunelveli to send revised pension proposals to the Accountant General, Chennai as per G.O.(2D).No.361 Home (Tr-II) Department, dated 29.10.2002.



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2. The case of the petitioner is that he was served as Regional Transport Officer (Enforcement), Tirunelveli and retired on 30.11.1999. The grievance of the petitioner is that while he was in service, disciplinary action was initiated against him by the Transport Commissioner, Chennai and it ended with a punishment of stoppage of increment for a period of three months without cumulative effect as per proceedings dated 13.11.1996. The said punishment was quashed by the Tamil Nadu Administrative Tribunal in O.A.No.7119 of 1996, dated 15.07.1999. After retirement, he has preferred a representation regarding notional promotion and re-fixation of pension. Since the said representation was not considered, he has filed a writ petition in W.P. (MD)No.22163 of 2021 before this Court.

3. This Court, by order dated 14.12.2021, directed the petitioner to give a fresh representation to the first respondent and on receipt of the same, the first respondent shall consider the same in accordance with law. Accordingly, a fresh representation was sent through registered post on



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21.12.2021 along with the copy of the order dated 14.12.2021 to notionally promote him on par with his junior viz., G.James and for re-fixation of pension. However, the order of this Court was not implemented. Thereafter, as per G.O.(2D)No.361, Home (Tr-II) Department, dated 29.10.2002, a direction was given to the Transport Corporation, Chennai for taking action to fix his pay notionally on the date of his retirement and other retirement benefits. But the said G.O. was not implemented. Hence, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that it would suffice if a direction is issued to the second respondent to implement the G.O.(2D).No.361 Home (Tr-II) Department, dated 29.10.2002, within a reasonable time as fixed by this Court.

5. Heard the leaned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



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6. Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to implement the G.O.(2D).No.361 Home (Tr-II) Department, dated 29.10.2002, if there is no legal impediment, within a period of twelve weeks from the date of receipt of a copy of this order.

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

21.12.2022

akv

To

1.The Additional Chief Secretary to Government,
Home (Tr-II) Department,
Secretariat,
Chennai-600 009.

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

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3. The Deputy Transport Commissioner,
Palayamkottai,
Tirunelveli District.



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M.DHANDAPANI,J.

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