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W.P.No.19596 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HON'BLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.19596 of 2012

K.Perumal

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Road,
Salem – 636 007.

... Respondent

PRAYER: Writ Revision filed under Article 226 of the Constitution of India for Writ of Certiorarified Mandamus to call for the records of the respondent dated 10.11.2008 and made in No.1000/F2/P10/TSTC(S) and quash the same and direct the respondent to issue promotion order with effect from 25.04.2008 to the petitioner as Traffic Inspector and to settle the arrears of salary and Retirement benefits with interest.

For Petitioner : No appearance

For Respondent : Mr.R.Babu

ORDER



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There is no representation on behalf of the petitioner.

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2. This writ petition is filed challenging the order dated 10.11.2008.

On 10.11.2008, information is furnished to the petitioner under Right to Information Act on the following queries and the following answers were given.

S.No.	Request	Details
1	Reasons for not replying to letter dated 26.04.2008 (copy enclosed) addressed by the applicant to Managing Director, TNSTC, Salem – 7	As per the policy decision of this Corporation, it is proposed to promote three Sel.Gr.C.I's to Traffic Inspector Cadre. In the Sel.Gr.Checking Inspector Seniority list he is in the 7 th place. Hence, his case was not considered. Further, he was retired from his service on 30.04.2008
2	Why the applicant has not been promoted as Traffic Inspector and why his junior have been promoted superseding to him	As per the policy decision of this Corporation 3 Sel. Gr.Checking Inspector's were promoted as Traffic Inspectors. The individuals position in the seniority list is seven. Further none of his juniors were promoted superseding him
3	The copy of the promotion order given to Thiru.V.Arumugam as	Copy enclosed



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Traffic Inspector staff no. FI0021

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3. Though the information given under Right to Information Act, if amounts to a decision can be challenged, when the information only gives about what had happened, without challenging the actual promotion of the juniors or the decision by which the petitioner was left out, merely by challenging the RTI information alone, the writ petition cannot be filed. Further, even the said information under RTI Act was given in the year 2008, there is four years of unexplained delay in filing the writ petition.

4. For all the above reasons, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

28.11.2023

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Index : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No



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To

The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Road,
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D.BHARATHA CHAKRAVARTHY, J.

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