



W.P.(MD)No.14396 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14396 of 2020
and
W.M.P(MD)No.12037 of 2020

1.S.Vanitha
2.K.Muthu Prakash
3.S.Rajalakshmi
4.C.Murugan
5.K.Santhalakshmi
6.S.Dhasarathan
7.J.Manikandan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 9.

2.The Transport Commissioner,
Chepauk,
Chennai – 5.

3.The Joint Transport Commissioner(Administration),
Chepauk,
Chennaai – 5.

4.N.Balakrishnan



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- 5.Y.Rasheedha
- 6.R.Srinivasan
- 7.K.B.Panneer Selvam
- 8.P.Saravana Kumar
- 9.G.Shanmugakani
- 10.M.Geetha
- 11.V.Uma
- 12.S.Jeyanthi
- 13.P.Dhanalakshmi
- 14.P.Arumugam
- 15.M.Guhanathan
- 16.V.Santhoshkumar
- 17.R.Puravalan
- 18.B.Kathivel
- 19.P.Vijayakumar
- 20.D.Vairavan
- 21.K.Nallusamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to draw the year wise panel from the year 2016-2017 to 2019-2020 for promotion to the post of Superintendent in Transport Department strictly on the basis of conditions prescribed under the Tamil Nadu Ministerial Service Rules under Rule 30(b) r/w Annexure IV and under Rule 38(b)(ii) Annexure IXE without insisting for the service requirement for a particular period in a particular post or office as it is not in the hands of the candidates but in the hands of the Department and consequently promote all the candidates included in the above panels to the post of Superintendent.

For Petitioners : Mr.D.Selvanyagam

For R-1 to R-3 : Mr.S.P.Maharajan,
Special Government Pleader

For RR5 to 11 &
R16 & R20 : No Appearance



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ORDER

This writ petition has been filed to direct the respondents to draw the year-wise panel from the year 2016-2017 to 2019-2020 for promotion to the post of Superintendent in Transport Department strictly on the basis of conditions prescribed under the Tamil Nadu Ministerial Service Rules under Rule 30(b) r/w Annexure IV and under Rule 38(b)(ii) Annexure IXE without insisting for the service requirement for a particular period in a particular post or office as it is not in the hands of the candidates but in the hands of the Department and consequently promote all the candidates included in the above panels to the post of Superintendent.

2. When the matter was taken up for hearing today, the learned Special Government Pleader appearing for the official respondents, on instructions, would submit that during the pendency of the writ petition, except the first petitioner, all the other petitioners were given promotion to the post of Superintendent. Since the first petitioner did not reach the seniority, he was not considered for promotion. However, in the future vacancy, she will be considered for promotion.



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3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

4. In view of the subsequent development that except the first petitioner, all the other petitioners were granted promotion, this Court, without going into the merits of the matter, grants liberty to the first petitioner to make a fresh representation to the second respondent seeking promotion, within a period of two weeks from the date of receipt of a copy of this order and if any such representation is received, the second respondent, is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

5. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

NCC:Yes/No
Index:Yes/No
PM



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M.DHANDAPANI,J.

pm

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