



W.P.No.9739 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.9739 of 2021

K.S.Abubucker

... Petitioner

/vs/

1.The Government of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Transport Department, Fort St. George,
Chennai – 600 009.

2.Director,
Motor Vehicles Maintenance Department,
Chennai – 42.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the 1st respondent to appoint the petitioner to the post of Director in the Motor Vehicles Maintenance Department with effect from 25.06.2012 on regular basis relaxing/amending the relevant rules.



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For Petitioner ... Mr.D.Sivaram
For Respondents ... Mr.T.Chezhiyan
Additional Government Pleader

ORDER

Heard Mr.D.Sivaram, the learned counsel for the petitioner and Mr.T.Chezhiyan, the learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition seeking a writ of mandamus directing the 1st respondent to appoint him to the post of Director in the Motor Vehicles Maintenance Department with effect from 25.06.2012 on regular basis by relaxing/amending the relevant rules.

3. The petitioner was working as “Works Manager” in Government Central Automobile Workshop, Velachery from 16.06.2010. He had sent a representation to the first respondent on 09.09.2011 to promote him to the post of “Director” in Motor Vehicle Maintenance Department by relaxing the rules towards his work experience. Thereafter, the petitioner was



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promoted to the post of “Director” after acquiring five years of experience.

After the retirement of petitioner's junior, one Senthilvel who was working as “Regional Deputy Director” was promoted and posted as “General Manager” and he was placed as in-charge of Director. The in-charge of Director has sent a proposal to the first respondent on 12.09.2019 to amend the rules to the post of “Director”. The petitioner has given a representation on 18.03.2020 to the first respondent to relax the rule as to the work experience and promote him to the post of “Director” as per G.O.Ms.No.55 Transport (H1) Department, dated 10.06.2020 with retrospective effect from 15.09.2016. The petitioner claims that only on 25.06.2012 he was placed as additional charge of Director.

4. However, Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that the post of Regional Deputy Director itself has been abolished from 17.05.2012 and therefore the post of Works Manager does not exist from 17.05.2012 and the post of Regional Deputy Director and Material Manager which are equal to the post of Works Manager have been considered as the feeder category for the post of General Manager;



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hence the request of the petitioner to appoint him as Director with effect from 25.06.2012 cannot be complied with.

5. Since the petitioner could hold the additional charge for Director on 25.06.2012 and on which date the post of “Director” itself is not available, the petitioner cannot make out any case. Even if the respondents may not be able to consider the petitioner to the post of “Assistant Director”, his experience can be considered for some other post when the right time comes. However, the above observation is subject to the outcome of disciplinary proceedings under Rule 17(b) of Tamil Nadu Civil Service (Discipline & Appeal) Rules which is already pending for enquiry.

6. With the above observation, this Writ Petition is disposed. No costs.

26.03.2024

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

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To:

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R.N.MANJULA ,J.

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