



W.P.(MD).No.7272 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7272 of 2024
and WMP(MD) No.6699 of 2024

P.Sivakumar

... Petitioner

Vs

1. The Director,
Adi Dravidar Welfare Department,
Chennai - 6.
2. The District Adi Dravidar And Tribal Welfare Officer,
Tenkasi, Tenkasi District.
3. The Regional Transport Officer,
Department of Transport, Sankarankovil,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the certification issued by the 3rd respondent vide his proceedings in Na.Ka. No.23025/B3/2023, dated 09.01.2024 with regard to the appointment to the post of Driver through promotion in Adi Dravidar Welfare Department and consequently pass appropriate orders promoting the petitioner



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in the said post in pursuance to his representation, dated 28.02.2024 within the time stipulation as fixed by this Court.

For Petitioner : Mr. R.Anand

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 1st and 2nd respondents to consider the certification issued by the 3rd respondent vide his proceedings in Na.Ka. No.23025/B3/2023, dated 09.01.2024 with regard to the appointment to the post of Driver through promotion in Adi Dravidar Welfare Department and consequently pass appropriate orders promoting the petitioner in the said post in pursuance to his representation, dated 28.02.2024 within the time stipulation as fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.The petitioner was initially appointed as Cook under the category of Scheduled Caste community on 20.02.2016. His probation was declared on 08.05.2018 by the second respondent. His next promotional avenue is Driver. The Tamil Nadu Adi Dravidar and Tribal Welfare Department has framed rules relating to the job of Driver vide G.O.Ms.No.107, dated 22.09.1999 and mandated the qualification for the post of Driver. The said rule has been subsequently followed in another Government notification in respect of filling up the post in the Department of Backward Classes, Most Backward Classes and Minority Welfare Department in G.O.Ms.No.46, dated 01.08.2014.

(ii).There is an existing vacancy in the post of Driver in Tenkasi District. The second respondent is taking effective steps to fill up the said vacancy and has prepared a seniority list in the cadre of Cooks working in Tenkasi District by fixing the cut off date as 01.03.2021 and the name of petitioner was found in the said list in S.No.1. The petitioner has also duly appeared before the Regional Transport Officer for testing his driving skill and



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motor mechanism. The Regional Transport Officer has also duly acknowledged the petitioner's skill vide proceedings, dated 09.01.2024 and recommended the name of petitioner to the post of Driver. However, for the reasons known to the second respondent, the process of promotion is not yet commenced so far and the same is delayed, despite the case of the petitioner is being recommended by the Regional Transport Officer, Tenkasi/third respondent. Hence, the petitioner made a representation on 28.02.2024 requesting the first and second respondents to consider his representation. However, the same was not considered. Hence, this writ petition came to be filed.

5.The learned Government Advocate fairly conceded that the respondents would consider the representation of the petitioner, dated 28.02.2024 and pass appropriate orders in favour of the petitioner, if he is otherwise qualified.

6.In view of the above submission, this Court hereby direct the respondents to consider the representation of the petitioner, dated 28.02.2024 in line with the report submitted by the third respondent, dated 09.01.2024 and



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pass appropriate orders in accordance with law, within a period of sixteen (16) weeks, from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Chennai - 6.
2. The District Adi Dravidar And Tribal Welfare Officer,
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L.VICTORIA GOWRI, J.

PNM

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