



W.P.(MD).No.7718 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7718 of 2024

Christin Sutha

... Petitioner

Vs.

1.The Principal Secretary /
Transport Commissioner,
O/o. Transport Commissioner,
Chepauk,
Elizhakam,
Chennai.

2.The Deputy Transport Commissioner (FAC),
Tirunelveli Region,
Tirunelveli.

3.The Regional Transport Officer,
Regional Transport Office,
Thiruchendur,
Thoothukudi 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 respondent to temporarily promote the petitioner from the post of Typist to Assistant or any



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other post of equal pay to that of Assistant with all monetary benefits by considering the petitioner's representations dated 01.08.2023 and 21.03.2024.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the 1st respondent to temporarily promote the petitioner from the post of Typist to Assistant or any other post of equal pay to that of Assistant with all monetary benefits by considering the petitioner's representations dated 01.08.2023 and 21.03.2024.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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(i) The petitioner joined the services of the 1st respondent as Typist and thereafter, she was regularized vide proceedings of the 1st respondent dated 15.02.2016. She also successfully completed her two years of probation. During probation period on 29.10.2021, a surprise check was conducted by the appropriate authority of the Government at the office of the Regional Transport Officer, Marthandam. As a result of which, the authority levelled allegations against the petitioner that she allowed the private individuals to handle the Regional Transport Office, Marthandam records and seals. In view of the same, the 2nd respondent issued a charge memo dated 21.05.2023 to her for major charges under Rule 17(b) of Tamilnadu Civil Services (Discipline & Appeal) Rules. In the meanwhile, the 1st respondent had issued a proposed list, for the promotion panel of fully qualified Junior Assistant / Typist / Steno-typist fit for promotion for the post of Assistant for the panel year 2020-2021 wherein the petitioner's name was placed in column 14. However, in the approved list, the 1st respondent did not include the name of the petitioner.

(ii) Hence, the petitioner made a representation to the 1st respondent dated 01.08.2023, requesting him to delete her name from the deferred list



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dated 11.07.2023 and to include her name in the approved list dated 11.07.2023. However, the same was not considered by the 1st respondent. Hence, the petitioner once again made a representation dated 21.03.2024 to the 1st respondent to temporarily promote the petitioner to the post of Assistant, by taking into account of the crucial date (i.e) 15.03.2020 for the panel year 2020-2021. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6. Without going into the merits of this case, this Court hereby direct the 1st respondent to consider the petitioner's representation dated 01.08.2023 and 21.03.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

28.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Principal Secretary /
Transport Commissioner,
O/o. Transport Commissioner,
Chepauk,
Elizhakam,
Chennai.

2.The Deputy Transport Commissioner (FAC),
Tirunelveli Region,
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L.VICTORIA GOWRI, J.

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