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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 5989 of 2025

M.Arun Sivakumar

... Petitioner

..Vs..

1. The Principal Secretary/Transport Commissioner
O/o. Transport and Road Safety Commissionerate
Guindy, Chennai – 600 032.
 2. The Joint Transport Commissioner (Administration)
O/o. Transport and Road Safety Commissionerate
Guindy, Chennai – 600 032.
- ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first respondent to consider the representation dated 05.12.2024 and consequently direct the first respondent to promote the petitioner as Grade I Motor Vehicle Inspector from Grade II Motor Vehicle Inspector.

For Petitioner

:: Mr. P.K.Ganesh



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For Respondents

:: Mrs. Vijaya Devi
Government Advocate**ORDER**

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first respondent to consider the representation dated 05.12.2024 given by the petitioner. The petitioner seeks that he must be promoted as Grade-I Motor Vehicle Inspector from Grade II Motor Vehicle Inspector in the Transport and Road Safety Commissioner.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had joined as Motor Vehicle Inspector Grade-II on 01.06.2001 on compassionate grounds. He claims that he was entitled to be regularised with effect from the date of joining of service. He then wanted to undergo higher studies and applied for leave. He sought extension of leave which was rejected and he was directed to join duty. He then gave his resignation letter, but later, withdrew the resignation letter. Disciplinary proceedings were then initiated against him. He then gave a representation



for posting and finally on 16.02.2015, he was permitted to join duty. He was posted to Chennai. He contended that he should have been brought into regular service and contending that he had put in more than 14 years service and that he should be promoted as Grade-I Motor Vehicle Inspector, he had given a representation and has filed the Writ Petition.

3. On the side of the respondents, instructions had been obtained wherein it had been stated that for promotion as Grade-I Motor Vehicle Inspector, the petitioner should be an approved probationer and must also have served for not less than 4 years as Grade II Motor Vehicle Inspector out of which not less than one year should have been in the flying squad or in the checking squad. It had been contended that the petitioner had not satisfied those conditions.

4. The learned counsel for the petitioner stated that though the petitioner was working as Grade-II Motor Vehicle Inspector, he had discharged all duties as are required to be discharged by a Grade-I Motor Vehicle Inspector only consequent to directions issued by the higher authorities.



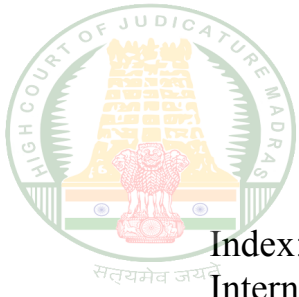
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5. Taking all the factors into consideration, a Mandamus is issued to the first respondent to examine the representation given by the petitioner herein on 05.12.2024 seeking to be promoted as Grade -I Motor Vehicle Inspector. In this connection, before taking a final decision, the first respondent must issue notice to the petitioner and must give him an opportunity of giving further representation particularly as he had contended that owing to the absence of the Grade-I Motor Vehicle Inspector, he claimed that he had discharged his duty of the Grade-I Motor Vehicle Inspector, who was absent. These facts can be brought by the petitioner to the notice of the first respondent to impress upon the first respondent his suitability to be promoted as Grade-I Motor Vehicle Inspector. The entire exercise may be completed by the first respondent within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of. No order as to costs.

17.03.2025

vsg



Index: Yes/No

Internet: Yes/No

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To

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C.V.KARTHIKEYAN, J.,

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