



W.P.No.16904 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.11.2025**

**CORAM:**

**THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

**W.P.No.16904 of 2019**

M.Paduvainathan

... Petitioner

**vs**

1. The State of Tamil Nadu

Represented by its

Additional Chief Secretary to Government

Home (Transport – II) Department,

Secretariat, Chennai – 600 009.

2. The Transport Commissioner,

Chepauk, Chennai – 600 005.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Cetrriorarified Mandamus, to call for the records of the impugned orders passed by the second respondent in proceedings செ.மு.ஆ.எண். 47098டி1/2018 (ப.ஆ.எண்.142.2019) நாள் 08.03.2019 and quash the same and consequently direct the first respondent to fix petitioner's seniority at appropriate place in the list for promotion to the post of Regional Transport Officer for the year



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2017-2018 based on the seniority determined by the Tamil Nadu Public Service Commission to the petitioner and accordingly, promote the petitioner to the post of Regional Transport Officer with all service and monetary benefits and pass orders.

For Petitioner : Mr.A.Ganesan  
For Respondents : Mrs.V.Yamunadevi  
Special Government Pleader

### **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

2. The case of the petitioner in brief is that while he was appointed and as Motor Vehicle Inspector, Grade-II in Transport Department in August, 2001, through Tamil Nadu Public Service Commission (in short TNPSC), whereby, his seniority was fixed at Sl.No.10; that on the respondents taking up promotion to Motor Vehicle Inspector, Grade-I, for which one of the



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conditions is that, one must have services of total period of not less than four years in the post of Motor Vehicle Inspector, Grade - II, out of which, not less than one year should be in Flying Squad or in Checking Squad; that in the year 2006, when the second respondent is about to post him in Flying Squad/Checking Squad in order to comply with the said norms for a period of one year, as he had taken ill due to stomach hernia complaint and admitted in GEM Hospital, Coimbatore for surgery, he had requested the second respondent, by representation dated 04.05.2006, not to post him in the Enforcement Wing viz., Flying Squad/Checking Squad had then and post him in the next level; that the second respondent accepting the aforesaid representation, relaxed the compliance of one year period, by his letter dated 09.05.2006; and that the second respondent, while issuing the aforesaid letter, however, imposed the condition therein that he should not claim any original seniority and priority in the promotion of Motor Vehicle Inspector Grade - I on a later day.



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3. It is the further case of the petitioner that thereafter, he was promoted to the Motor Vehicle Inspector Grade-I in the year 2009-10 under proceedings dated 06.10.2009; that though he was promoted as his seniority fixed as per TNPSC is not restored he had approached the second respondent and submitted the representation dated 25.11.2018, seeking restoration of his seniority; and that the second respondent, by impugned proceedings dated 08.03.2019, rejected the said representation. Aggrieved by the aforesaid rejection, the present Writ Petition is filed.

4. Counter affidavit on behalf of the respondents is filed.

5. The respondents, by the counter affidavit, contended that the petitioner himself having requested for relaxation for one year norm of service in Flying Squad/Checking Squad in the Motor Vehicle Inspector, Grade II and respondents having accepted the same, under proceedings dated 09.07.2006, imposing a condition that the petitioner should not claim original seniority at



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the time of promotion and the seniority will be fixed later, and the petitioner having accepted the said condition, cannot now backtrack.

6. By the counter affidavit, it is further contended that the aforesaid action of the petitioner in backtracking from the request made earlier, is purely an afterthought to file present Writ Petition; and that the petitioner submitted representation dated 16.09.2014, to fix him in the cadre of Motor Vehicle Inspector, Grade – I, in between Thiru.A.K.Murugan and Thiru.G.Elumalai as per the TNPSC seniority in the cadre of Motor Vehicle Inspector, Grade – II, who are promoted as Motor Vehicle Inspector, Grade - I temporarily during the year 2008-09 and included in the regular panel for the year 2008-09 for which the crucial date is 15.03.2008.

7. By the counter affidavit, it is further contended that on the crucial date, the petitioner had not comply with the service norm of having worked in



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the Enforcement Wing of Department and since, the petitioner did not comply with the norm, his name not included in the panel drawn for the year 2008-09 and was included only in the year 2009-2010, on completion or complying with the service norms of having required to work in the Enforcement Wing; and that the petitioner was informed of the same *vide* letter dated 04.12.2014.

8. By the counter affidavit, it is further contended that the petitioner having accepted the order dated 09.05.2006, whereby, the condition of not to claim original seniority and priority in the promotion to the post of Motor Vehicle Inspector, Grade – I, the petitioner by submitting representation on 25.11.2018, is seeking to restore the seniority after a lapse of 13 years, which he had forgone earlier.

9. By the counter affidavit, it is further contended that since, the petitioner did not complete service norm of working in the Enforcement Wing



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during the year 2008-09, the petitioner was not included in the panel and since, has been included in the panel only in the year 2009-10, the petitioner cannot seek for he being placed between Thiru.A.K.Murugan and Thiru.G.Elumalai, who were promoted in the year 2008-09.

10. It is contended that the second respondent, by taking note of the aforesaid fact, had rejected the representation submitted by the petitioner and passed an impugned proceedings.

11. I have taken note of the respective contentions as urged.

12. At the outset, it is noted that the petitioner by the representation submitted sought for restoration of the seniority as fixed by the TNPSC, in the post of Motor Vehicle Inspector, Grade – I, pursuant to the selection list issued by the TNPSC dated 01.05.2001, the petitioner, during the year 2006,



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having sought for his transfer to Enforcement Wing to be deferred on medical ground and the second respondent, *vide* his letter dated 09.05.2006, while accepting the said request, having imposed a condition that the petitioner will not claim original seniority and claim priority in promotion to the post of Motor Vehicle Inspector, Grade- I, later, the petitioner did not initiate any action or raise any of rejection in respondent imposing the said condition, if he had felt/ aggrieved by the same.

13. Further, the petitioner, on being considered for the promotion during the year 2009-2010 and being granted promotion to the post of Motor Vehicle Inspector, Grade – I, did not raise any protest that his promotion ought to have been considered in the year 2008-2009. On the other hand, the petitioner accepted the promotion. It is only in the year 2014, the petitioner sought for his seniority to be fixed between the two candidates, who are promoted to Motor Vehicle Inspector, Grade – I, during the year 2008-09,



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which was duly considered and rejected by the second respondent *vide* letter

dated 04.12.2014.

14. The petitioner on receipt of the said communication, also did not raise any dispute, when he was issued with the aforesaid communication. The petitioner, thereafter, in the year 2018, submitted a representation dated 25.11.2018, seeking his seniority to be restored as per the post of the Motor Vehicle Inspector, Grade – II, so that, he would take a position between the two candidates, who were promoted during the year 2008-09. Since, the petitioner having relinquished his right over his seniority *vide* his letter dated 04.05.2006 for not being posted in the Enforcement Wing and the second respondent, while accepting the said request, *vide* his letter dated 09.05.2006, having imposed a condition therein, and the petitioner having accepted the same all through this period for over twelve years, cannot be allowed to raise the said issue by which had attained finality, a decade back.



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15. The Hon'ble Apex Court , in the case of ***State of Tamil Nadu***

***Vs. Seshachalam reported in (2007) 10 SCC 137***, held that

*“by filing representation would not save the period of limitation. The delay or laches is a relevant factor for a Court of law to determine the question as to whether the claim made by the applicant deserves consideration. The delay and/or laches on the part of the Government Servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant.”*

16. In the facts of the present case as narrated above, since, the petitioner had accepted the proceedings of the second respondent dated 09.05.2006, whereby, he was informed that he will not be eligible to claim



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original seniority and priority in the promotion to the post of Motor Vehicle

Inspector, Grade – I, at a later stage, this Court is of the view that the petitioner having acted upon the said communication, cannot be allowed, to rake up long settled issues, by submitting a representation and approaching this Court claiming of his representation not being considered.

Accordingly, the present writ petition as filed is devoid of merits and is dismissed. No order as to costs.

**24.11.2025**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The State of Tamil Nadu

Represented by its

Additional Chief Secretary to Government

Home (Transport – II) Department,

Secretariat, Chennai – 600 009.

11/14



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2. The Transport Commissioner,  
Chepauk, Chennai – 600 005.



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**T. VINOD KUMAR, J.**

dh

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