

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23375 of 2015 and
M.P.Nos.1 and 2 of 2015

The Engineer Association of
Metropolitan Transport Corporation, Chennai Rep.
by its President S.Gethaapathy at Plot No.
4/283 Maduravoyal CMDA Chennai-95
Regn. No.2803/ CN1

...Petitioner

-Vs-

- 1 The State of Tamil Nadu
Rep. by its Secretary To Government
Transport Department Fort St. George
Chennai-9.
- 2 Metropolitan Transport
Corporation Ltd rep. by its Managing
Director Pallavan House, Pallavan Salai,
Chennai-2.
- 3 The Senior Deputy Manager
(HRD) Pallavan House, Pallavan Salai,
Chennai-2.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Managing Director Metropolitan Transport Corporation Ltd., Chennai, the second respondent herein to forthwith implement the ratio prescribed for Diploma Holders in the Managerial Posts in Tamil Nadu State Transport Corporation Service Rules in particular for the Post of Assistant Manager and consequently direct the respondents 2 and 3 to give promotions to the said post to the members of the petitioner Association in the 2nd respondent corporation in accordance with their quota and seniority for the existing vacancies and for the future vacancies till their quota is reached in the total post as held by the Honourable Apex Court in similar case.

For Petitioner : Mr.K.Rajkumar
For Respondents: Mr.P.Paramasivadosh

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would submit among other things that in Metropolitan Transport Corporation, graduate Engineers are posted as Assistant Engineers and Diploma holders are posted as Junior Engineers and further promotion to the post of Assistant Managers in the Corporation which is a common post in the promotion ladder for both Assistant Engineers and Junior Engineers in the ratio of 3:1 in certain post and 2:1 in certain post of Assistant Manager.

3. According to the petitioner, promotion to the post of Assistant Manager is governed by the Tamil Nadu Transport Corporation Service Rules. There are three Departments in the Corporation, namely, Technical Department, Traffic Department and Administration Department. Each department consists of Supervisory group and Working group.

4. The grievance expressed by the petitioner is that as per the ratio of 3:1 available for the Degree holders and Diploma holders and others, a minimum of 13 posts are meant for the Diploma holders who are otherwise called as Junior Engineers. But the fact remains that only one Junior Engineer, who is holding the post of Assistant Manager and the entire rest of the Assistant Manager's post are held by the Assistant Engineers, who are otherwise the graduate Engineers and thereby, injustice is being done to the particular category of employees of the Corporation.

5. Petitioner Association has submitted a representation dated 15.12.2011 to the first respondent followed by two reminders dated 09.10.2014 and 09.6.2015 and since, no response is forthcoming, came forward to file this writ petition.

6. Mr.K.Rajkumar, the learned counsel for the petitioner relied on the Judgment reported in 1989 Supp (2) SCC [KULDEEP SINGH AND OTHERS VS PUNJAB AND SIND BANK AND OTHERS and would submit that the matter in issue is squarely covered by the said Judgment and in the light of the same, appropriate directions may be granted to dispose of the representation and reminders in accordance with law within the time stipulated.

7. Heard the submissions of Mr.P.Paramasivadosh, the learned counsel, who accepts notice on behalf of the respondents and would submit that whatever rules and regulations are formulated, they are

strictly followed.

8. Though the petitioner prayed for a larger relief, this Court without going into the merits of the case, directs the second respondent to consider and dispose of the representation dated 15.12.2011 submitted by the president of the petitioner association and the reminders dated 09.10.2014 and 09.6.2015 submitted by the petitioner association after putting on notice the persons concerned and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the president of the petitioner association.

9. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Transport Department, Fort St. George
Chennai-9.
2. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Pallavan Salai, Chennai-2.
3. The Senior Deputy Manager
(HRD) Pallavan House, Pallavan Salai,
Chennai-2.

+1 cc to Mr.P.Paramasivadoss,Advocate(Sr.41034)

+1 cc to Mr.Government Pleader ,((sr.40225)

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cnr(co)
cp 25.08.2015