

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.35775, 35776 and 35777 of 2015
and
M.P.Nos.1, 1 and 1 of 2015

M.Kanagaraju ... Petitioner in
W.P.No.35775 of 2015
V.Baladandapani ... Petitioner in
W.P.No.35776 of 2015
V.Lawrance ... Petitioner in
W.P.No.35777 of 2015

...vs...

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
Coimbatore.
2. The Administrative Officer,
TNSTC Employees Pension Fund Trust,
Tiruvallur Home,
SETC Complex,
No.2, Pallavan Salai,
Chennai - 600 002.
3. The Additional Chief Secretary to Government &
Chairman of all STU's,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.

.. Respondents in all the
above Writ Petitions

Prayer: Writ Petitions filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus to direct
the respondents to consider the name of the petitioners in the Senior
Deputy Manager (SDM) Promotional Panel List on the basis of his
representation dated 26.10.2015.

For Petitioners : Mr.D.S.Ramesh
in all the Petitions

For Respondents 1 & 2: Mr.P.Kannan Kumar
in all the Petitions

For 3rd Respondent : Mr.V.Jayaprakash Narayanan,
in all the petitions Special Government Pleader

COMMON ORDER

By consent, the Writ Petitions are taken up for final disposal.

2. According to the petitioners, they were originally appointed in Cheran Transport Corporation (Coimbatore Division - I) Ltd., and the said Corporation was divided into two divisions as Coimbatore Division-I and Coimbatore Division - III and the employees of the parent Corporation was sent to Division III at Ooty. Subsequently, both the Corporations are amalgamated and now there is only one Corporation i.e. the Tamil Nadu Transport Corporation (Coimbatore) Ltd.,.

3. The petitioners would contend that after amalgamation, the first respondent published the seniority list dated 1.10.2001. Thereafter, within a period of two months, another seniority list was published by the first respondent dated 28.11.2001. In the seniority list, several juniors were placed above the petitioners and therefore, they challenged the same in W.P.No.14390 of 2002. This Court allowed the Writ Petition on 2.1.2007 and the Writ Appeal filed by the respondent Corporation was dismissed by the Division Bench of this Court on 2.9.2008. Aggrieved by the order, the respondent Corporation preferred a Special Leave Petition, but the Hon'ble Apex Court has not granted stay and the SLP is pending for the past two years.

4. The petitioners would further contend that the second respondent sent a letter dated 24.10.2015 to the first respondent to prepare a panel for promotion to the cadre of Senior Deputy Manager. It is found that the names of the petitioners were omitted in the proposed panel and therefore, they gave representation dated 26.10.2015, which was not considered by the respondents. Hence the present Writ Petition.

5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents

6. Though larger relief is sought for by the petitioner, this Court, without going into the merits of the case, directs the first and second respondents to consider the representation of the petitioners dated 26.10.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till a final order is passed on the representation of the petitioners, the respondents shall not release the list of the seniority of the Deputy Managers.

7. The Writ Petitions are disposed of, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.
Asvm

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
Coimbatore.
2. The Administrative Officer,
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SETC Complex,
No.2, Pallavan Salai,
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3. The Additional Chief Secretary to Government &
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Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.

+1 C.C. To Government Pleader in SR.NO.61413, 61414 & 61415

+1 6 C.Cs to MR.P.Kannan Kumar, Advocate in SR.NO.61689,
61690 & 61691

+3 C.Cs to MR.D.S.Ramesh, Advocate in SR.NOs.63755, 63756 &
63757

W.P.No.35775, 35776
and 35777 of 2015
and
M.P.Nos.1, 1
and 1 of 2015

PA(CO)
sd : 24/11/2015