

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.40779 of 2015
WMP.No.5884 and 5885 of 2016, and
MP.Nos.1 and 2 of 2015

The Engineering Association of Metropolitan
Transport Corporation, Chennai by its
President S.Gethaapathy,
Chennai-95 at Plot No.4/283
Maduravoyal CMDA
Registration No.2803/CNI ... Petitioner

Vs

- 1.The State of Tamil Nadu by its Secretary to Government
Transport Department, Fort St.George,
Chennai-9
- 2.The Managing Director, Metropolitan Transport Corporation
Limited, Chennai-2 Pallavan House, Pallavan Salai.
- 3.The Senior Deputy Manager (HRD)
Pallavan House, Pallavan Salai.
Chennai-2
- 4.The Secretary to Government, Personnel and
Administrative Department, Fort St.George
Chennai-9

- 5.K.Manivannan
- 6.J.Manickam
- 7.C.Hemachandran
- 8.N.Ganesh Kanna
- 9.E.Saritha
- 10.V.Uvaraj
- 11.A.P.Senthil Kumar
- 12.G.Anbarasu

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified
Mandamus to call for the records relating to the proceedings of

the Senior Deputy Manager HRD Metropolitan Transport Corporation, Chennai the 3rd Respondent in Letter No.690/Pa.Pi. (Pori)2/Ma.Po.Ka/ 2015 dated 25.9.2015 and to quash the same in so far as the reply relating to the post of Assistant Manager in page 4 is concerned and to direct the Respondents 1 to 3 herein to maintain 3:1 ratio in the said post for all times to come and fill all the existing and future vacancies till their quota of 16 posts is achieved as per service rules, if necessary by giving directions to the Respondents to create super numery posts to satisfy the quota and set apart the same for Diploma holders to be maintained for all given point of time.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.S.Gunasekaran, AGP-RR1&4
Mr.S.Vijaya Narayanan, SC for
Mr.P.Paramasivadosh, GA-R2
Mr.N.Vijay Narayanan for (SC)
Mr.N.Subramanian-RR5 to 12

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd Respondent in Letter No.690/Pa.Pi.(Pori)2/Ma.Po.Ka/ 2015 dated 25.9.2015 and to quash the same in so far as the reply relating to the post of Assistant Manager in page 4 is concerned and to direct the Respondents 1 to 3 herein to maintain 3:1 ratio in the said post for all times to come and fill all the existing and future vacancies till their quota of 16 posts is achieved as per service rules, if necessary by giving directions to the Respondents to create super numery posts to satisfy the quota and set apart the same for Diploma holders to be maintained for all given point of time.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. After some elaborate arguments by the learned counsel on either side, the only grievance of the Petitioner Association is that the ratio of 3:1, i.e. three posts to degree holders and one post to diploma holders, should be followed to fill up the existing 10 vacancies, but, the said 10 posts are going to be filled up by only degree holders and hence, not considering the name of diploma holders for promotion to the post of Assistant Manager is illegal.

4. On the other hand, the learned Additional Government Pleader for the Respondents has categorically stated that as per the judgement made in a batch of Writ Petitions in WP.No.34848 of 2006 dated 27.3.2007, the ratio of 3:1 has been fixed and the Respondents are following the same and also given an undertaking before this court that in respect of the promotion, they would follow 3:1 ratio without fail. In fact, a resolution was also made recommending the Board to promote 10 Selection Grade Assistant Engineers/Assistant Engineers to the cadre of Assistant Manager, namely, (2 diploma holders and 8 degree holders). Therefore, it also made clear that the Department will strictly adhere to the norms, namely, 3:1 ratio. In such view of the matter, no order is necessary to be passed in this Writ Petition. Accordingly, this Writ Petition is closed. No costs. Consequently, the connected MP are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1.The Secretary to Government
The State of Tamil Nadu
Transport Department, Fort St.George, Chennai-9
- 2.The Managing Director, Metropolitan Transport Corporation
Limited, Pallavan Home, Pallavan Salai.
- 3.The Senior Deputy Manager (HRD)
Pallavan House, Pallavan Salai, Chennai-2.
- 4.The Secretary to Government, Personnel and
Administrative Department, Fort St.George
Chennai-9.

+1cc to Mr.P.Paramasiva Doss, Advocate sr.41878
+1cc to Mr.K.Rajkumar, Advocate Sr.41380

WP.Nos.40779 of 2015

pvs[co]
srg 12/08/2016