

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.31075 of 2016

T.Vanitha

... Petitioner

vs.

M/s. State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to re-designate the petitioner as Junior Assistant from October 1998 i.e, the date on which the petitioner acquired degree in the month of October 1998 by following the respondent's order No.27197/A1/TTC/92, dated 02.07.92 and by applying the ratio laid down by this Court in W.P.(MD).Nos.11076 and 11476 of 2014 and 4479 of 2015, dated 12.10.2015 by considering my representation dated 19.05.2016.

For Petitioner	:	Mr.D.Soundarraaj
For Respondent	:	Mr.P.Kannan Kumar

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The present writ petition has been filed to direct the respondent to re-designate the post of the petitioner as Junior Assistant from October 1998 i.e,

the date on which the petitioner acquired degree in the month of October 1998 by following the respondent's order No.27197/A1/TTC/92, dated 02.07.92 and by applying the ratio laid down by this Court in W.P.(MD).Nos.11076 and 11476 of 2014 and 4479 of 2015, dated 12.10.2015 by considering my representation dated 19.05.2016.

3. The case of the petitioner is that by order dated 20.04.1994 with effect from 01.04.1994, after completion of daily wage service, the petitioner has acquired degree in Arts during 1998 from University of Madras. Hence, he represented to the respondent by submitting a representation dated 19.05.2016 promoting him as Junior Assistant from October 1998 as per Rule 59(b) and 59 (c) of the Common Service Rule applicable to State Transport Undertakings. Though the petitioner's request was considered, he was promoted as Junior Assistant vide order No.032071/A2/SETC/2006, dated 03.06.2006 instead of promoting him as Junior Assistant from October 1998, the date on which he acquired degree. Hence, in this regard, the petitioner made several representations in person to the respondent. The last one was made on 19.5.2016. But the said representation was not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition to re-designate his post as Junior Assistant from the period he acquired Arts degree in October 1998.

4. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that in identical situations, the Madurai Bench of this Court in W.P.(MD) No.11076 and 11476 of 2014 and 4479 of 2015 by order dated 12.10.2015 has directed the respondents to appoint the petitioner therein as Junior Assistant from the date of acquisition of degree. Hence, following the same, similar order may be passed.

5. Though the petitioner prayed for a larger relief, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the respondent to consider the representation of the petitioner dated 19.5.2016 in the light of the order of the Madurai Bench of this Court dated 12.10.2015 made in W.P.(MD) Nos.11076 and 11476 of 2014 and 4479 of 2015.

6. Accordingly, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 19.5.2016 seeking to re-designate her post as Junior Assistant from October 1998 and pass appropriate orders on merits and in accordance with law and also in the light of the order of the Madurai Bench of this Court dated 12.10.2015 made in W.P.(MD) Nos.11076 and 11476 of 2014 and 4479 of 2015, within a period of six weeks from the date of receipt of a copy

R.SUBBIAH, J

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of this order. The writ petition is disposed of accordingly. No costs.

07.09.2016

Index:Yes/No
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To
M/s. State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai-600 002.

W.P. No.31075 of 2016