

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31310 of 2016

A.Evanchalin Prathiba

... Petitioner

vs.

M/s.State Express Transport

Corporation Ltd.,

rep. by its Managing Director,

No.2, Pallavan Salai,

Chennai-2.

... 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 7.2.1997 i.e., the date on which the petitioner acquired degree on 7.2.1997 by following the respondent's order No.27197/A1/TTC/92, dated 2.7.1992 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 the representation of the petitioner dated 19.5.2016.

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 petitioner has come up with the present writ petition for a mandamus, directing the respondent to re-designate her post as Junior Assistant from 7.2.1997, the date on which she acquired degree, by following the respondent's order No.27197/A1/TTC/92, dated 2.7.1992 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 her representation dated 19.5.2016.

3. It is the case of the petitioner that by an order dated 3.3.1997, she was appointed as Record Clerk in the respondent corporation with effect from 1.3.1997 and later, she was promoted as Junior Assistant and further promoted as Assistant. She acquired Bachelor of Degree in Science from Manonmaniam Sundaranar University, Tirunelveli, on 7.2.1997

itself. However, she was appointed as Record Clerk with effect from 1.3.1997 by the respondent without following his own order in No.27197/A1/TTC/92, dated 2.7.1992 and Rules 59(b) and 59(c) of Common Service Rules. Hence, the petitioner made a representation dated 19.5.2016 to the respondent requesting him to promote her as Junior Assistant from 7.2.1997 as per Rules 59 (b) and 59(c) of Common Service Rule applicable to the State Transport Undertakings. But, her request was not considered and she was promoted as Junior Assistant from 3.6.2006 instead of 7.2.1997. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in identical situation, the Madurai Bench of this Court in W.P.(MD) Nos.11076 and 11476 of 2014 and 4479 of 2015, by order dated 12.10.2015, has directed the respondents therein 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. I have heard the learned counsel, who has taken notice on behalf of the respondent.

6. 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.

7. 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 7.2.1997, the date on which she acquired degree, 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 of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

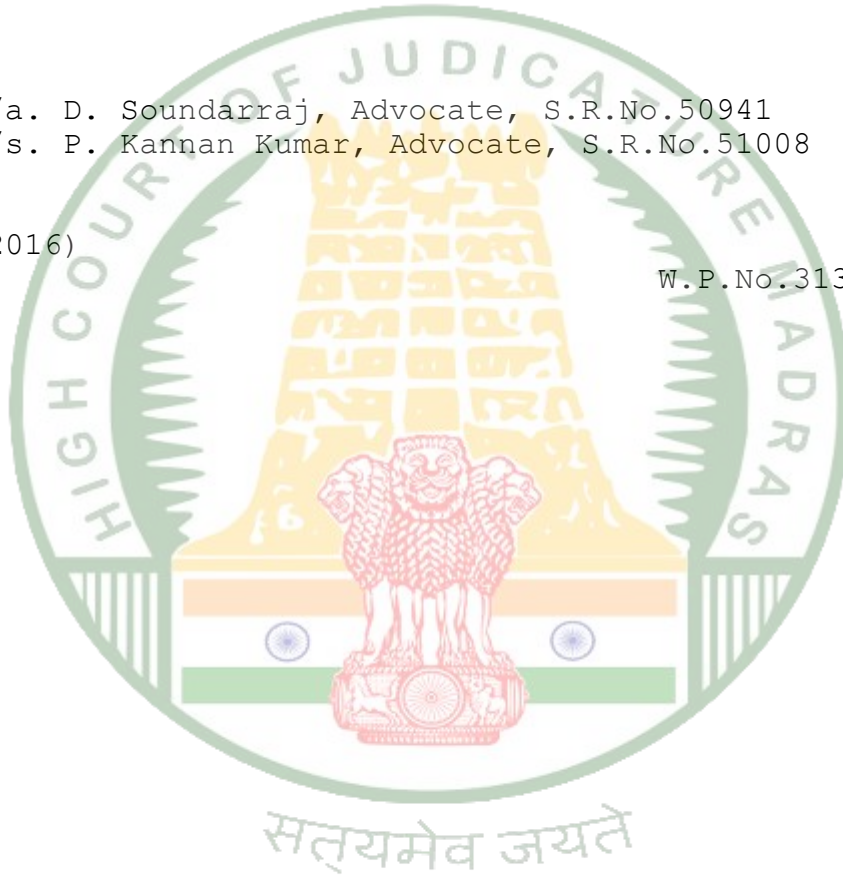
To

The Managing Director,
M/s.State Express Transport
Corporation Ltd.,
No.2, Pallavan Salai,
Chennai-2.

+1cc to M/a. D. Soundarraaj, Advocate, S.R.No.50941
+1cc to M/s. P. Kannan Kumar, Advocate, S.R.No.51008

RP(CO)
EU(04/10/2016)

W.P.No.31310 of 2016



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