



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) Nos.4514 to 4518 of 2015

and

WMP(MD)Nos.1 to 1 of 2015

- | | |
|-------------------|--|
| 1.K.R.Mathialagan | .. Petitioner in W.P.(MD)No.4514 of 2015 |
| 2.R.Rajamanickam | .. Petitioner in W.P.(MD)No.4515 of 2015 |
| 3.T.Loganathan | .. Petitioner in W.P.(MD)No.4516 of 2015 |
| 4.S.Ragavan | .. Petitioner in W.P.(MD)No.4517 of 2015 |
| 5.T.Murugesan | .. Petitioner in W.P.(MD)No.4518 of 2015 |

-vs-

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye-pass Road, Madurai - 625 010.

3.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Dindigul Region, Bye Pass Road,
Collectorate P.O.,
Dindigul - 624 004.

... Respondents in all the Writ Petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the 3rd respondent in his letter No.Ref.TNSTC:1457/2010 dated 14.03.2011 and quash the same and consequently to direct the respondents to redesignate the petitioners as Junior Assistants retrospectively from the date of their initial appointment as Clerk based on the orders passed in the Govt.Letter No.11155/C3/92-1 dated 24.07.1992 and on par with 35 employees who were similarly placed and who were redesignated as Junior Assistants retrospectively from the date on which they have been initially appointed as clerks as per the orders passed by the Corporation in his proceedings Ref.No.ADMN/A1/8174/2008, dated 25.03.2009 and also to extend all the monetary and consequential benefits to the petitioners.



For Petitioner in
all W.Ps.

: Mr.C.Thangamani

For R1 in
all W.Ps.

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R2 and R3 in
all W.Ps.

: Mr.A.Jayaram

COMMON ORDER

These writ petitions have been filed challenging the order of the third respondent, dated 14.03.2011 and consequently to direct the respondents to redesignate the petitioners as Junior Assistants retrospectively from the date of their initial appointment as Clerk based on the orders passed in the Govt.Letter No.11155/C3/92-1 dated 24.07.1992 and on par with 35 employees who were similarly placed and who were redesignated as Junior Assistants retrospectively from the date on which they have been initially appointed as clerks as per the orders passed by the Respondent Corporation in his proceedings Ref.No.ADMN/A1/8174/2008, dated 25.03.2009 and also to extend all the monetary and consequential benefits to the petitioners.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The case of the petitioners is that they were originally appointed as Clerks in the respondent Corporation and thereafter, promoted as Junior Assistants by granting first level review benefits. Thereafter, they were promoted as Assistants by granting second level review benefits. After that, they were promoted as Senior Assistants by granting third level review benefits. Now, they are working as Senior Assistants.

3.1.It is stated that some of the employees who are having degree qualifications were recruited as Record Clerk in Anna Transport Corporation Limited, Salem, now renamed as M/s.Tamil Nadu State Transport Corporation (Salem) Ltd., Salem. Subsequently, they were redesignated as Junior Assistants retrospectively with effect from the date of their initial appointment as Record Clerk.

3.2.Therefore, the petitioners herein have represented before the respondents to redesignate them as Junior Assistants with effect from the date of their initial appointment as Clerk. Since the same has not been considered, the present writ petitions have been filed.

4.When the matter came up for hearing, the learned counsel for the petitioner relied upon the decision of this Court made in W.P. No.11476 of 2014 and 4479 of 2015, dated 12.10.2015, wherein it has been held as follows:-



"7... In any event, when the learned counsel appearing for the petitioners have consistently requested this Court that the petitioners are not pressing their benefit of back-wages from the date of acquisition of degree and they are asking the notional promotion for the purpose of promotion and seniority and pension alone, this Court has no hesitation to direct the respondent to re-designate the petitioners as Junior Assistant from the date of acquisition of degree without granting benefit of back-wages. Accordingly, the respondent is directed to redesignate all the petitioners as Junior Assistants, from the date of acquisition of degree without granting benefit of back-wages."

5.The above said decision is squarely applicable to the facts of the present case. Accordingly, these writ petitions are disposed of in terms of the order passed in W.P.(MD)Nos.11076 and 11476 of 2014 and 4479 of 2015, dated 12.10.2015. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2.The Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye-pass Road, Madurai - 625 010.

3.The General Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Dindigul Region, Bye Pass Road,
Collectorate P.O.,
Dindigul - 624 004.

+5cc to Mr.C.Thangamani,Advocate, sr no 66167, 66168,66169,66170,
and 66171

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