



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.10.2016
CORAM

WEB COPY

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.20250 of 2016

B.Selva Gomathi Kumar

... Petitioner

-vs-

1.The Principal Secretary to Government
& chairman of STU,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Convener,
Career Planning Committee,
Tamil Nadu State Transport Corporation
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

3.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd.,
Kattabomman Nagar,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Selection Grade Assistant Manager SGAM with effect from 24.06.2000 from the respondents Corporation by considering the representation of the petitioner dated 24.06.2016 or otherwise by implementing the Board of Directors Meeting 141st in the Resolution No.79 dated 08.12.2000 and the approved of the same by the Finance Committee dated 20.12.2000.

For Petitioner : Mr.S.Loganathan

For R - 1 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For RR -2 & 3 : Mr.K.Sathiyasingh

**ORDER**

This writ petition has been filed for the issuance of a Writ of Mandamus, seeking a direction to the respondents to promote the petitioner as Selection Grade Assistant Manager with effect from 24.06.2000 by considering the representation of the petitioner dated 24.06.2016 or by implementing the Minutes of the 141st meeting of the Board of Tamil Nadu State Transport Corporation Ltd., in the Resolution No.79 dated 08.12.2000.

2. Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader, who takes notice for the first respondent and the learned Standing Counsel who takes notice for the respondents 2 and 3. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was originally appointed as Assistant Manager on 01.01.1987 in the third respondent Transport Corporation. He was promoted as Assistant Manager on 24.06.1994 and now he is working as General Manager. As per Rules and Regulations, the next promotion to the petitioner is Selection Grade Assistant Manager.

4. The learned counsel appearing for the petitioner submitted that the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited was held on 08.12.2000 and Board Resolution No.79 was passed, giving promotion to the petitioner as Selection Grade Assistant Manager with effect from 24.06.2000 and the same was approved by the Finance Committee of the Transport Corporation on 20.12.2000.

5. The grievance of the petitioner is that though Resolution No.79 was passed as early as on 08.12.2000 and was approved by the Finance Committee of the Transport Corporation on 20.12.2000, till date, the petitioner is not given promotion as Selection Grade Assistant Manager.

6. Resolution 79 of the Minutes of 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited, is extracted hereunder:

"79. Resolved that the proposal of the Managing Director to promote the following Assistant Managers to the cadre of Selection Grade Assistant Manager under the time bound promotion scheme in the time scale of pay of Rs. 10,000 - 325 - 15,200 be and is hereby approved, subject to the approval of the Government as recommended by the Finance Committee".



Item No.	Resolution No.2000 - 2001	Subject/ Resolution		
79	Sl.No.	Name Thiruvallargal	Designation and Place of work	Date of promotion to the S.G.A.M.Cadre
	1	Poliah	Branch Manager, Kovilpatti	25.06.2000
	2	B.Selva Gomathi Kumar	Branch Manager, Tiruchendur	24.06.2000
	3	D.Robert Dharma Jose	Branch Manager Tirunelveli Town	24.06.2000
	4	P.S.Chellappan	Branch Manager, Mofussal	24.06.2000

7.The learned Standing Counsel appearing for the respondents 2 and 3 would submit that the petitioner will be promoted as per Resolution 79 of the Minutes of the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited but without any monetary benefit as time scale of pay has already been fixed in the resolution.

8.The learned counsel appearing for the petitioner is agreeable for the said submission. In fact, in the representation given by the petitioner dated 24.06.2016, he has given assurance to forego the monetary benefits towards fixing seniority to Manager Cadre.

9.In view of the submissions made on either side, the respondents are directed to give promotion to the petitioner as Selection Grade Assistant Manager by implementing the Resolution 79 of the Minutes of the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited with effect from 24.06.2000, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is bound by the undertaking given in the representation dated 24.06.2016.

10.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CRL.SIDE)



To

1.The Principal Secretary to Government
& chairman of STU,
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Fort St.George,
Chennai - 600 009.

2.The Convener,
Career Planning Committee,
Tamil Nadu State Transport Corporation
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3.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Ltd.,
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+1 cc to M/s.K.Sathiya Singh, Advocate in SR No.62534/2016

+1 cc to the Spl.Govt.Pleader in SR No.62951/2016

W.P (MD) No.20250 of 2016
21.10.2016

MJ

ANR/SK-SKN/02.11.2016/4P/6C