



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22744 of 2016

WEB COPY

M.Kannan

: Petitioner

Vs.

- 1.The Principal Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.
- 3.The Financial Advisor/Chief Account Officer,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.
- 4.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Vannarpettai, Tirunelveli.
- 5.The Deputy Manager HRD,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-designate the petitioner as Junior Assistant retrospectively from the date on which the petitioner obtained the Degree Qualification in the same manner the posts of the persons who were appointed along with the petitioner as Record Clerks were re-designated as Junior Assistant from the date of their acquiring degree in the light of the orders of this Honourable Court in WP(MD)No.11076 of 2014 11476 of 2014 and 4479 of 2015 by order dated 12.10.2016 which was compiled by the orders of the second respondent dated 02.01.2016.

For Petitioner : Mr.S.Sivanesan
For Respondent No.1 : Mr.M.Murugan,
Government Advocate.
For Respondents 2 to 5: Mr.K.Sathiyasingh

O R D E R

The petitioner has come up with the above writ petition seeking for the issuance of a Writ of Mandamus, to direct the respondents to re-designate the petitioner as Junior Assistant retrospectively the date on which the petitioner obtained the Degree Qualification.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 to 5.

3. The case of the petitioner is that he was appointed as Record Clerk in the respondents Corporation on 08.02.1988. Now, he is working as Special Grade Assistant in the respondent Corporation. Even though, he had completed graduation during the year 1990, he was not re-designated on completion of graduation immediately during the year 1990, whereas other similarly placed persons were re-designated as Junior Assistant immediately from the date of graduation. So saying, the petitioner has given a representation, dated 14.01.2016 requesting the respondents to re-designate his post as Junior Assistant. Since the said representation has not been considered, the petitioner has filed this writ petition.

4. Considering the fact that the similarly placed persons were re-designated as Junior Assistant immediately from the date of graduation, the prayer for re-designation is ordered directing the respondents to re-designate the petitioner as Junior Assistant from the date of acquiring decree, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this claim is accepted subject to the condition that it shall be accounted for the purpose of seniority, promotion and pension and not for back wages.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

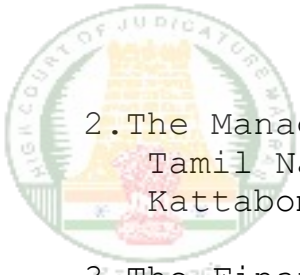
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Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Transport Department, Secretariat,

<https://hcservices.mca.gov.in/hcservices/> 009.



2.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.

3.The Financial Advisor/Chief Account Officer,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.

4.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Vannarpettai, Tirunelveli.

5.The Deputy Manager HRD,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli.

+1 cc to Mr.K.Sathiya singh,Advocate, Sr.No:74420

+1 cc to Mr.S.Sivanesan,Advocate, Sr.No:74419

+1 cc to M/S Special Government Pleader, Sr No.74215

ORDER MADE IN
W.P (MD) No.22744 of 2016
29.11.2016

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