

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29462 of 2017

V.Shanmuga Sundaram

... Petitioner

Vs.

1.The Management,
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with the Order No.1562/க.கா/ப.து.பி2/த அ போ க. கோவை.17, dated 22.03.2017 and to quash the same and consequently, to direct the respondents to promote the petitioner as 'Superintendent' with effect from the eligible date i.e, 10.03.2017.

For Petitioner : Mr.V.Sivakumar

For Respondents : Mr.A.Antony Arockia Raja,
Standing Counsel for R1 & R2

O R D E R

Mr.A.Antony Arockia Raja, leaned Standing Counsel for the respondents-Transport Corporation, took notice.

2.The writ petition has been filed challenging the impugned order dated 22.03.2017 passed by the General Manager, Tamil Nadu State Transport Corporation (Kovai) Ltd., (2nd respondent herein) in and by which the request of the petitioner to consider his continuation of seniority was refused.

3.The learned counsel for the petitioner would submit that the petitioner was appointed by the 1st respondent as Junior Assistant on 18.06.1991, in Tamil Nadu State Transport Corporation and thereafter, on 01.08.2012, he was promoted as Senior Grade Assistant. On the request made by the petitioner, he was transferred from Erode region to Coimbatore region, on 21.08.2015. While he is serving in the Coimbatore region, the respondents have promoted the petitioner's juniors as 'Superintendent' and failed to enlist the name of the petitioner in the said list. As he was denied promotion in spite of his repeated request, he made a representation to the respondents to confer promotion as Superintendent, on 02.12.2016, but, there was no response. Therefore, he has sent two more reminders dated 10.03.2017 & 17.03.2017, but, again the respondents have not come forward to consider the same. While so, on 22.03.2017, the 2nd respondent has passed the impugned order stating that as per transfer order, the petitioner would be treated as junior in the Coimbatore region and as such, he is not entitled to get promotion. Once again, on 18.04.2017, the respondents have enlisted the petitioner's juniors and conferred them promotion as Superintendents. Hence, the petitioner has come forward with the present writ petition.

4.Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents.

5.Of course, the stand taken by the 2nd respondent in the impugned order, for rejecting the claim of the petitioner for promotion, cannot be found fault with, reason is that it is his own case that he was appointed on 18.06.1991, after regularization of his service on 25.02.1992, he made a request for transfer and accepting his request, he was transferred from Erode region to Coimbatore region on 21.08.2015. Therefore, in the transferred place at Coimbatore, he will be placed below the last probationer in the same cadre, as he has come from Erode region to Coimbatore region only on his own request. Therefore, this Court is not able to find any infirmity in the impugned order passed by the 2nd respondent.

6.Secondly, the learned counsel for the petitioner is not able to produce the appointment order or request letter seeking transfer from Erode to Coimbatore to find out whether he was transferred on request. Therefore, on the ground of non-production of documents also, the petitioner is not entitled to the relief sought for in this writ petition.

For the foregoing reasons, the writ petition is liable to be dismissed and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssv

To

1.The Management,
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rep. by its Managing Director,
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2.The General Manager,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

+ 1 cc to Mr.V. Sivakumar, Advocate SR.81656

+ 1 cc to Mr.A. Antony Arokia Raja, Advocate SR.81911

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PVS (CO)
EU (18/12/2017)

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