



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Thirtieth day of June Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6004 of 2017

IN

WA(MD) No.58 of 2013

KAMAL BATCHA

... PETITIONER / 1st RESPONDENT

Vs

1 THE GENERAL MANAGER
TNSTC (MDU) LTD., BYE-PASS ROAD, DINDIGUL,
DINDIGUL DISTRICT

2 THE DIVISIONAL MANAGER,
CENTRAL ADMINISTRATIVE DIVISION,
TNSTC(MDU) LTD., BYE-PASS ROAD,
DINDIGUL, DINDIGUL DISTRICT

3 DURAI PANDIAN

4 T.GURUSAMY

5 KASI RAJAN

6 S.BALAN

7 C.JEYARAJ

8 SARDAR ALI

9 MOHAN

... RESPONDENTS/RESPONDENTS 2 to 8

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suitably modify the common order dated 26/04/2017 in WA.NOs.57 & 58 of 2013 in providing notional promotion to the post of Driving Instructor from 24/10/2007 with the revised salary from 24/10/2007 till petitioner retirement on 31/05/2010 with the other eligible monetary benefits and the revised pension.

PRAYER IN WP(MD)No.458/2008:-

Writ Petition is filed under Article 226 of the constitution of India, praying this Court To issue a Writ of certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent dt.24.10.2007 in Ref:Admn/P1/738 and quash the same and further direct the respondents 1 and 2 to prepare a fresh seniority list in accordance to the rules and give due promotion to



the petitioner.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.NATARAJAN, Advocate for the Appellant and of Mr.A.JEYARAMAN, Advocate on behalf of the Respondents, the court made the following order:-

[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Petition has been filed for modification of the Judgment rendered by us, in this Appeal dated 26.04.2017, only with regard to the direction issued in Paragraph 10, which reads as follows:

"Therefore, the appellants are directed to give notional promotion to the first respondent / writ petitioner and consequently revise the pension payable to the first respondent / writ petitioner by promoting him to the post of driving instructor notionally over and above the private respondents. The above directions shall be complied with by the appellants within a period of two months from the date of receipt of a copy of this order."

2.The learned counsel appearing for the petitioner would submit that though the Court has granted full relief, because there is no mention about the salary payable in the notionally promoted post, the appellants may take a hyper-technical view and deny such benefits.

3.Though, the apprehension of the petitioner may not be fully justified, in order to avoid future problems, we clarify that as we have directed the appellants to revise the pension payable to the first respondent / writ petitioner by promoting to the post of Driving Instructor notionally, over and above the private respondents, it goes without saying that the respondent / writ petitioner would be entitled to the salary proportionate in the notionally promoted post.

4.With the above clarification, this petition is disposed of.

sd/-

30/06/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE GENERAL MANAGER
TNSTC (MDU) LTD., BYE-PASS ROAD, DINDIGUL,
DINDIGUL DISTRICT

2 THE DIVISIONAL MANAGER,
CENTRAL ADMINISTRATIVE DIVISION,
TNSTC (MDU) LTD., BYE-PASS ROAD,
DINDIGUL, DINDIGUL DISTRICT

MR/DAS

+1. C.C. to MR.S.NATARAJAN Advocate SR.No.25576

JAM/20.07.17/RR-BS/SAR 1 /3p-4c

ORDER
IN
CMP (MD) No.6004 of 2017
IN
WA (MD) No.58 of 2013
Date :30/06/2017