



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
W.A. [MD] .No.391 of 2017
and
C.M.P. (MD) .No.3493 of 2017

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Kattabomman Nagar,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Vannarpettai.

: Appellants

Vs.

1.G.Thiruppathirajan
2.The Commissioner and Secretary
to Government,
Transport Department,
Secretariat, Chennai 600 009.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.09.2016 made in W.P.(MD).No.4191 of 2016, on the file of this Court.

Prayer in WP(MD). 4191/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to re-designate the petitioner as Junior Assistant retrospectively the date on which the petitioner obtained the Degree Qualification in the same manner the post 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 Honble Court in W.P.No.11076/2014, 11476/2014 and 4479/2015 by order dated 12.10.2015 which was complied by the orders of the 2nd respondent dt.2.1.2016.



For Appellants : Mr.A.Jeyaram
Standing Counsel
For Respondent No.1 : Mr.S.Govindan
No.2: Mr.S.Chandrasekar, G.A.

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JUDGMENT

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

Heard Mr.A.Jeyaram, learned Standing Counsel appearing for the appellant and Mr.S.Govindan, learned counsel appearing for the first respondent and Mr.S.Chandrasekar, learned Government Advocate appearing for the second respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed as against the Order dated 12.09.2016 made in W.P.(MD).No.4191 of 2016.

3. The Writ Petition was filed by the first respondent/Writ Petitioner for issuance of a Writ of Mandamus to direct the respondent therein to re-designate the Writ Petitioner as Junior Assistant retrospectively, the date on which the petitioner obtained the Degree Qualification in the same manner the post 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 Decree in the light of the orders of this Court in W.P.Nos.11076, 11476 of 2014 and 4479 of 2015, by order dated 12.10.2015, which was complied by the orders of the 2nd respondent therein dated 02.01.2016.

4. The learned Single Judge, taking into consideration the earlier order passed in W.P.(MD).Nos.11076 and 11476 of 2014 and W.P.(MD).No.4479 of 2015, dated 12.10.2015, disposed of the said Writ Petition. The learned counsel appearing for the first respondent/Writ Petitioner submitted that the order passed in the Writ Petition is stated to have been implemented and an identical issue was considered by two other Hon'ble Division Benches of this Court in **W.A. (MD) .No.981 of 2015**, dated **29.09.2015** and **W.A. (MD) .No.83 of 2017**, dated **30.01.2017**.

5. We have gone through the above decisions referred to by the learned counsel appearing for the first respondent/Writ Petitioner. The issue involved in the present Writ Appeal is squarely covered by the decisions referred to supra.

6. In the light of the Judgments passed by the Hon'ble Division Benches, which are stated to have been implemented, the present Writ Appeal filed by the Tamil Nadu State Transport Corporation is dismissed, confirming the order dated 12.09.2016



made in W.P.(MD).No.4191 of 2016, passed by the learned Single Judge. No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True copy/

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Kattabomman Nagar,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Limited,
Vannarpettai.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 52256

+1 CC to M/s.S.GOVINDAN, Advocate, SR No. 51826

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PSM/SV-MMS/SAR3/27.04.2017/3P/5C

JUDGMENT MADE IN
W.A.[MD].No.391 of 2017
13.04.2017