



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.499 of 2017
and
C.M.P.(MD).No.4268 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,
Tirunelveli Region,
Vannarpettai, Tirunelveli. : Appellants/Respondents

Vs.

P.Thenmoli : Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 31.08.2016 made in W.P.(MD).No.16458 of 2016, on the file of this Court.

Prayer in WP(MD). 16458/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the petitioners representation dated 01.02.2016 and re-designate the petitioner as Junior Assistant retrospectively from the date on which the petitioner obtained the degree in the same manner as done with 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.

For Appellants : Mr.A.Jeyaram
Standing Counsel
For Respondent : Mr.S.Loganathan

**JUDGMENT**

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

Heard Mr.A.Jeyaram, learned Standing Counsel appearing for the appellants and Mr.S.Loganathan, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. The issue involved in this Writ Appeal has already been decided by this Court in a batch of Writ Appeals in **W.A.(MD). Nos.332 to 336 of 2017**, dated **12.04.2017** [**The Managing Director Vs.K.R.Mathialagan**], wherein it has been held as follows:-

"2. These Writ Appeals are directed as against the Common Order dated 03.11.2016 made in W.P.(MD).Nos.4514 to 4518 of 2015 of 2015.

3. The Writ Petitions were filed by the first respondents/Writ Petitioners for issuance of a Writ of Certiorarified Mandamus to quash the order issued by the third respondent therein dated 14.03.2011 and for a consequential direction to the respondents therein to re-designate the Writ Petitioners as Junior Assistants retrospectively with effect from the date of their initial appointments as Clerk, based on the orders passed by the Government dated 24.07.1992 and on par with 35 employees, who were similarly placed and who were re-designated as Junior Assistants retrospectively, in terms of the order passed by the appellants Corporation dated 25.03.2009 and also to extend all the monetary and consequential benefits to them.

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 Petitions. The learned counsel appearing for the first respondents/Writ Petitioners submitted that the orders passed in the Writ Petitions 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 respondents/Writ Petitioners. The issue involved in the present Writ Appeals 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 Appeals filed by the



Tamil Nadu State Transport Corporation are dismissed, confirming the order dated 03.11.2016 made in W.P.(MD). Nos.4514 to 4518 of 2015 of 2015, passed by the learned Single Judge. No costs. Consequently, connected Miscellaneous Petitions are closed".

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3. Following the said Judgment, the present Writ Appeal stands dismissed on similar lines and the order dated 31.08.2016 made in W.P.(MD).No.16458 of 2016, is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

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, Tirunelveli Region,
Vannarpettai, Tirunelveli.

NB

TE/JC/SAR-IV : 12/06/2017 : 3P/3C

JUDGMENT MADE IN
W.A.[MD].No.499 of 2017 and
C.M.P.(MD).No.4268 of 2017
01.06.2017