



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2017

CORAM:

WEB COPY

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.A.[MD].Nos.706 to 710 of 2017

and

C.M.P(MD).Nos.5468 to 5472 of 2016

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited, Tirunelveli. :Appellant/2nd respondent
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region, Vannarapettai,
Tirunelveli. : Appellant/3rd respondent

Vs.

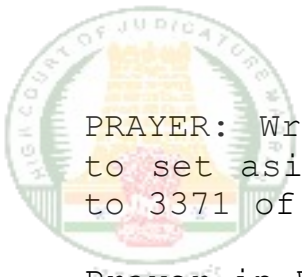
- 1.A.K.Mohammed Samsudeen
- 2.The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
: Respondents in W.A.(MD)No.706 of 2017

- 1.M.A.Syed Irbahim,
- 2.The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
: Respondents in W.A.(MD)No.707 of 2017

- 1.R.Vijaya,
- 2.The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
: Respondents in W.A.(MD)No.708 of 2017

- 1.N.Mariappam,
- 2.The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
: Respondents in W.A.(MD)No.709 of 2017

- 1.John Durai,
- 2.The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
: Respondents in W.A.(MD)No.710 of 2017



PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent to set aside the order dated 11.01.2017 made in W.P.(MD).Nos.3367 to 3371 of 2016, on the file of this Court.

Prayer in WP(MD). 3367/ 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 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 dated 2.1.2016.

Prayer in WP(MD). 3368/ 2016 :

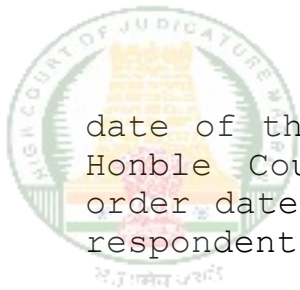
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to re-designate the petitioner as Junior Assistant retrospectively the date on which the petitioner obtained the Degree Qualification in the same manner the post of the persons who were appointed along with the petitioner as Records 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 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 dated 02.01.2016.

Prayer in WP(MD). 3369/ 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 dated 2.1.2016.

Prayer in WP(MD). 3370/ 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 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 dated 2.1.2016.

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Prayer in WP(MD). 3371/ 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 Records 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 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 dated 02.01.2016.

For Appellants : Mr.A.Jeyaram

For Respondent No.1 : Mr.S.Govindan

For Respondent No.2 : Mr.VR.Shanmuganathan,
Special Government Pleader.
in all Writ Appeals.

JUDGMENT

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

Heard Mr.A.Jeyaram, learned counsel appearing for the appellants, Mr.S.Govindan, learned counsel appearing for the first respondent in all the Writ Appeals and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the second respondent.

2. These Writ Appeals are directed against the order dated 11.01.2017 made in W.P.(MD).Nos.3367 to 3371 of 2016.

3.The issue involved in all these Writ Appeals is covered by a decision of this Court in **W.A.[MD]Nos. 332 to 336 of 2017 dated 12.04.2017 (The Managing Director, Tamil Nadu State Transport Corporation (Madurai) Limited, Bye-pass Road, Madurai-625 010 and another Vs. K.R.Mathialagan and others)** wherein it has been held as follows:

"3. The Writ Petitions were filed by the first respondents/Writ Petitioners for issuance of a Writ of 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."

4. Following the above decision, the present Writ Appeals are also dismissed on similar lines. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar



To

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

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

3. The Commissioner and Secretary to Government,
Transport Department,
Secretariat, Chennai-9.

+1 CC to M/s.A.JAYARAM, Advocate, SR No. 61546

+5 CC to M/s.S.GOVINDAN, Advocate, SR No. 61673, 61674, 61675,
61672, 61671

NB/RSB

PSM/GT/SAR2/10.07.2017/5P/10C

JUDGMENT MADE IN
W.A. [MD] .Nos. 706 to 710 of 2017
and
C.M.P (MD) .Nos. 5468 to 5472 of 2016
22.06.2017