



FOR THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2827 of 2017

S.Jeyapaul Abraham

... Petitioner

vs.

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

2)The Managing Director,
Tamil Nadu State Transport Corporation, (Tirunelveli) Ltd.,
Tirunelveli.

3)The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Vannarapettai,
Tirunelveli.

... Respondents

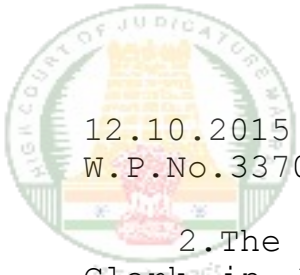
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to re-designate the petitioner as Junior Assistant retrospectively from the initial date of appointment based on the degree qualification in the same manner the post 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 Hon'ble 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 and in the light of the orders passed by this Hon'ble Court in W.P.No.3370/2016 dated 11.01.2017.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Sathiya Singh

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to re-designate the petitioner as Junior Assistant retrospectively from his initial date of appointment based on the degree qualification on par with the persons appointed along with the petitioner as Record Clerks who were re-designated as Junior Assistants from the date of their acquiring degree in the light of the orders of this Court dated



12.10.2015 in W.P.Nos.11076/2014, 11476/2014 and 4479/2015 and W.P.No.3370/2016 dated 11.01.2017.

2.The case of the petitioner is that he was appointed as Record Clerk in 1991. Now, he is working as Senior Assistant in the respondent corporation. Even though he had completed graduation during the year 1981, he was not re-designated as Junior Assistant from the date of his initial appointment. Whereas, similarly placed persons were re-designated as Junior Assistants immediately from the date of graduation. Hence, the petitioner made various representations, the last of which is dated 02.12.2016 requesting the respondents to re-designate him as Junior Assistant from the date of his initial appointment. Since the said representation has not been considered, this writ petition has been filed.

3.Considering the fact that similarly placed persons were re-designated as Junior Assistants from the date of graduation, the respondents are directed to re-designate the petitioner as Junior Assistant from the date of his initial appointment, if there are no legal impediments, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this claim is accepted subject to the condition that it shall be accounted for the purpose of seniority, promotion and pension and not for backwages.

4.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

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

2)The Managing Director,
Tamil Nadu State Transport Corporation, (Tirunelveli) Ltd.,
Tirunelveli.

3)The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Vannarapettai,Tirunelveli.

+1cc to Mr.K.Sathiya Singh, Advocate Sr.No.11408
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 11031

nbi

SM:RSK:SAR 1:03.03.2017:2p/6c