



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2017

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN**W.P. (MD) No.23457 of 2016**

WEB COPY

P.Poliah

... Petitioner

-vs-

1. The Principal Secretary to Government & chairman of STU, Transport Department, Fort St.George, Chennai - 600 009.
2. The Convener, Career Planning Committee, Tamil Nadu State Transport Corporation, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.
3. The Managing Director, Tamil Nadu State Transport Corporation, Tirunelveli Ltd., Kattabomman Nagar, Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus, directing the respondents particularly financial advisors and secretary of the 1st Respondent to promote the petitioner as Selection Grade Assistant Manager (SGAM) with effect from 25.06.2000 by implementing the 141st Board of Directors passed Resolution No. 79 passed by 3rd respondent and approved of the same by the Financial Advisor and Secretary of the Corporation dated 20.12.2000 within the time limit fixed by this Honble Court and by considering the representation of petitioner dated 30.09.2016 and to grant such further other orders of this Honble Court.

For Petitioner : Mr.S.Devasena
For R1 : Mr.A.K.Baskara Pandian
Spl. Govt. Pleader
For R2 & R3 : Mr.K.Sathiya Singh

O R D E R

This writ petition has been filed, seeking a direction to the respondents particularly financial advisors and secretary of the 1st Respondent to promote the petitioner as Selection Grade Assistant Manager (SGAM) with effect from 25.06.2000 by implementing the 141st Board of Directors passed Resolution No. 79 passed by 3rd respondent and approved of the same by the Financial Advisor and Secretary of the Corporation dated 20.12.2000 within the time limit fixed by this Honble Court and by considering the representation of petitioner dated 30.09.2016

<https://hcservices.courts.gov.in/hcservices/> 2. Healed the learned counsel on either side.

3. The petitioner was originally appointed as ABM (Trainee) in the erstwhile Kattabomman Transport Corporation Ltd., Tirunelveli on 25.03.1985 and was subsequently promoted as Assistant Manager on 24.06.1994 in the third respondent Transport Corporation. Later

on, he has been given promotion as Selection Grade Assistant Manager with effect from 25.06.2002.

4. The learned counsel appearing for the petitioner submitted that the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited was held on 08.12.2000 and Board Resolution No.79 was passed, giving promotion to the petitioner as Selection Grade Assistant Manager with effect from 25.06.2000 and the same was approved by the Finance Committee of the Transport Corporation on 20.12.2000.

5. The grievance of the petitioner is that though Resolution No.79 was passed as early as on 08.12.2000 and was approved by the Finance Committee of the Transport Corporation on 20.12.2000, till date, the petitioner is not given promotion as Selection Grade Assistant Manager.

6. Resolution 79 of the Minutes of 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited, is extracted hereunder:

"79.Resolved that the proposal of the Managing Director to promote the following Assistant Managers to the cadre of Selection Grade Assistant Manager under the time bound promotion scheme in the time scale of pay of Rs.10,000 - 325 - 15,200 be and is hereby approved, subject to the approval of the Government as recommended by the Finance Committee".

Item No.	Resolution No.2000 - 2001	Subject/ Resolution		
79	Sl.No.	Name Thiruvalargal	Designation and Place of work	Date of promotion to the S.G.A.M.Cadre
	1	Poliah	Branch Manager, Kovilpatti	25.06.2000
	2	B.Selva Gomathi Kumar	Branch Manager, Tiruchendur	24.06.2000
	3	D.Robert Dharma Jose	Branch Manager Tirunelveli Town	24.06.2000
	4	P.S.Chellappan	Branch Manager, Mofussal	24.06.2000

7. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that the petitioner will be promoted as per Resolution 79 of the Minutes of the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited, but without any monetary benefit as time scale of pay has already been fixed in the resolution.



8. The learned counsel appearing for the petitioner is agreeable for the said submission. In fact, in the representation given by the petitioner dated 24.06.2016, he has given assurance to forego the monetary benefits towards fixing seniority to Manager Cadre.

9. In view of the submissions made on either side, the respondents are directed to give promotion to the petitioner as Selection Grade Assistant Manager by implementing the Resolution 79 of the Minutes of the 141st Meeting of the Board of Directors of Tamilnadu State Transport Corporation Limited with effect from 25.06.2000 itself and pass suitable orders thereon on or before 30.04.2017. It is needless to state that the petitioner is bound by the undertaking given in the representation dated 24.06.2016, with regard to foregoing of his monetary benefits.

10. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To:

1. The Principal Secretary to Government & chairman of STU, Transport Department, Fort St.George, Chennai - 600 009.
2. The Convener, Career Planning Committee, Tamil Nadu State Transport Corporation, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.
3. The Managing Director, Tamil Nadu State Transport Corporation, Tirunelveli Ltd., Kattabomman Nagar, Tirunelveli.

+One cc to M/s.S.Devasana, Advocate, SR.No.8515

+One cc to Mr.K.Sathiya Singh, Advocate, SR.No.8767

+One cc to The Special Government Pleader, SR.No.8642

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RL/7C/3P/PM/PN/10.3.2017