



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.3367 of 2016

A.K.Mohammed Samsudeen

.. Petitioner

Vs.

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

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

3. The General Manager
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd.,
Tirunelveli Region, Vannarpettai
Tirunelveli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the Respondents 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 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 Petitioner : M/s S.Govindan
For R1 : Mr.S.Sathish Kumar
Additional Government Pleader
For R2 and R3 : Mr.K.Sathiya Singh

**ORDER**

The petitioner has come up with the above writ petition seeking for the issue of a Writ of Mandamus, to direct the respondents to re-designate the petitioner as Junior Assistant retrospectively the date on which the petitioner obtained the Degree Qualification.

2. Heard the learned counsel for the petitioner; Mr.S.Sathesh Kumar, learned Additional Government Pleader for the first respondent and the learned counsel for the second and third respondents.

3. The case of the petitioner is that he was appointed as Record Clerk in the respondents Corporation on 17.06.1988. Now, he is working as Special Grade Assistant in the respondent Corporation. Even though, he had completed graduation during the year 1985 he was not re-designated as Junior Assistant from the date of appointment, whereas other similarly placed persons were re-designated as Junior Assistant immediately from the date of graduation. So saying, the petitioner has given a representation, dated 20.08.1990 requesting the respondents to re-designate his post as Junior Assistant. Since the said representation has not been considered, the petitioner has filed this writ petition.

4. Considering the fact that the similarly placed persons were re-designated as Junior Assistant immediately from the date of graduation, the prayer for re-designation is ordered directing the respondents to re-designate the petitioner as Junior Assistant from the date of his 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 back wages.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar



To

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

2. The Managing Director
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(Tirunelveli) Ltd.,
Tirunelveli.

3. The General Manager
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(Tirunelveli) Ltd.,
Tirunelveli Region, Vannarpettai
Tirunelveli.

+ 1 CC TO Mr.S.GOVINDAN, ADVOCATE IN SR No. 2059

+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 2352

RJ2

TE/MR-VB : 03/02/2017 : 3P/6C

W.P. (MD) No.3367 of 2016
11.01.2017