



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**

W.P. (MD) No.3371 of 2016

C.John Durai

.. 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 2<sup>nd</sup> respondent dated 02.01.2016.

|                |   |                               |
|----------------|---|-------------------------------|
| For Petitioner | : | M/s S.Govindan                |
| For R1         | : | Mr.S.Sathish Kumar            |
|                |   | Additional Government Pleader |
| For R2 & R3    | : | Mr.K.Sathiya Singh            |

**O R D E R**

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.Sathish 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 21.05.1987. 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



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.

+One cc to Mr.S.Govindan, Advocate, SR.No.2063

+One cc to Mr.K.Sathya Singh, Advocate, SR.No.2356

RJ2

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

W.P. (MD) No.3371 of 2016  
11.01.2017