



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.7844 of 2018

J.Thangadurai

... Petitioner

Vs.

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

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

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

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to re-designate the petitioner as Junior Assistant from the 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 Records Clerks were re-designated as Junior Assistant from the date of their acquiring Degree in the light of the orders of this Court in W.A.(MD) No. 706 to 710 of 2017 dated 22.06.2017 which was complied by order of the 2nd respondent dated 08.12.2017.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Sathiya Singh

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondent to re-designate the petitioner as Junior Assistant from the 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 Records Clerks, were re-designated as Junior Assistant from the date of their acquiring Degree in the light of the orders of this Court in W.A.(MD) No. 706



to 710 of 2017 dated 22.06.2017, which was complied by order of the 2nd respondent dated 08.12.2017.

2. Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr. K.Sathiya Singh, learned standing counsel appearing for the respondents.

3. By consent of both sides, this writ petition itself is taken up for disposal at the admission stage.

4. The learned counsel appearing for the petitioner submits that the issue raised in this writ petition is squarely covered by the decision of a Division Bench Judgment in W.A.(MD)No.706 of 2017 by judgment dated 22.06.2017.

5. The learned standing counsel appearing for the respondents also would fairly submit that the issue raised in this writ petition is covered by the said decision.

6. I have gone through the said Judgment, which reads thus:-

"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 Certiorarified 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



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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."

6. Since the petitioner is also placed similarly and the prayer sought for herein is also in consonance with the said order passed by this Court referred to above, this writ petition is allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/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) Limited, Tirunelveli.
 3. The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli.
- +1cc to Mr.S.Govindan, Advocate, SR.No.60751
+1cc to Mr.K.Sathiya Singh, advocate, SR.No.60692
gsp/RR
RL/6C/3P/SV/SAR1/2/5/2018