

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 06.12.2018****CORAM :****WEB COPY****THE HONOURABLE MR.JUSTICE C.SARAVANAN****W.P.(MD)No.6414 of 2014**

P.Anjalose

... Petitioner

vs.

Tamil Nadu State Transport Corporation  
Tirunelveli Division, By Pass Road,  
Vannarpettai, Tirunelveli rep. By its  
Managing Director.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondent Corporation to extend all the monetary benefits and retirement benefits to the petitioner by effecting the notional promotion as Assistant Manager with effect from 13.05.1997 and also by granting any further notional promotion which he was entitled to.

For Petitioner

: Mr.T.Ravichandran

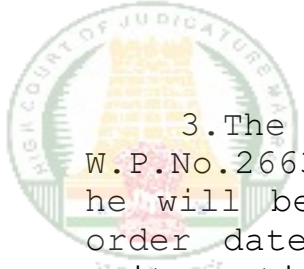
For Respondent

:Mr.K.Sathiyasingh

**ORDER**

The above petition has been filed to directing respondent Corporation to extend all the monetary benefits and retirement benefits to the petitioner by effecting the notional promotion as Assistant Manager with effect from 13.05.1997, by granting any further notional promotion which he was entitled to.

2.The petitioner has joined with the respondent as Junior Assistant on 01.09.1978 and was promoted as Junior Superintendent (Personnel & Legal) Trainee on 25.11.1985 and thereafter, he was promoted as Senior Superintendent on 16.09.1991. On 13.05.1997, one Selvin Sugunaraj was transferred and thereafter the post of Assistant Manager became vacant. The petitioner submits that he was to be appointed as Assistant Manager in the place of Selvin Sugunaraj. Meanwhile, one T.T.Vinayagam retired on 06.05.2005 and the petitioner was asked to look after the functions of the Personnel Department and continued to be designated as Senior Superintendent.



3.The petitioner submits that in 1998, one Vargees had filed W.P.No.2663/1998 alleging that he was senior to the petitioner and he will be promoted as Assistant Manager and obtained stay vide order dated 26.02.1998 in WPMP No.3970 of 1998. However, that writ petition was virtually dismissed. The petitioner was promoted as Assistant Manager only on 01.01.2007 with effect from 22.12.2006. However, he was carrying on the work that was to be allotted normally to the Assistant Manager from 13.05.1997.

4.The learned counsel appearing for the petitioner submits that the petitioner attained the age of superannuation on 30.04.2007 and therefore gave representation seeking the benefit of notional promotion to the petitioner from the year 1996 and in these circumstances, the petitioner filed W.P.(MD) No.5093 of 2007 and prayed for consequential relief. The Court, on 06.11.2012 allowed the writ petition with the following observation:

"Therefore, in my considered view, the petitioner has made out a case for regular promotion to the post of Assistant Manager with effect from 13.05.1997. Consequently, the petitioner is also entitled to further benefits like further promotion if any till his date of retirement with all other attendant benefits thereon. As the petitioner has already attained the age of superannuation and retired from service on 30.04.2007, the respondent Corporation is duty bound to extend all the monetary benefits to the petitioner by effecting the notional promotion as Assistant Manager with effect from 13.05.1997 and also by granting any further notional promotion which he was entitled to."

5.The learned standing counsel appearing for the respondent would submit that the respondent has filed writ appeal and the same is in SR stage.

6.It appears that the present case came up for hearing on 09.08.2018 also. when the case was argued before my predecessor, no counter was filed. However, the learned counsel for the respondent sought time to implement the order and to file counter on or before 28.08.2018. However, till this date, no counter is filed.

7.The order in W.P.(MD) NO.5093 of 2007 has been passed as early as on 06.11.2002 and 6 years were lapsed till date and the appeal has not been numbered,. Therefore, there is no basis for denying the benefit of the notional promotion, which the petitioner was entitled. Since the order was passed by this Court on 06.11.2012, the respondent should have complied with the same and given attendant benefits to the petitioner without prejudice to the right of appeal.



8. In view of the same, I am inclined to allow the writ petition and accordingly, the above writ petition stands allowed. The respondent is directed to comply with the direction passed by this Court in W.P.(MD) No.5093 of 2007 dated 06.11.2012, within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS)

+1 cc to Mr.K.Sathiyasingh , Advocate SR.No.99509

+1 cc to Mr.T.Ravichandran , Advocate SR.No.99051

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**W.P. (MD) No. 6414 of 2014**  
**06.12.2018**

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