



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7718 of 2011andM.P.(MD) No.1 of 2011

R.Andichamy

...Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region,
Dindigul.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye-pass Road,
Madurai -625 016.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to prepare and release the revised Seniority list and Panel for Conductors as on 01.04.2011 by placing the Petitioner in the appropriate place of Seniority and to promote the Petitioner as Checking Inspector.

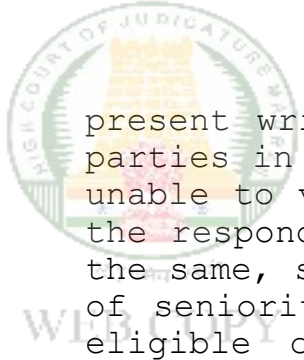
For Petitioner : Mr.S.Govindan

For Respondents : Mr.A.Jeyaraman

O R D E R

The relief sought for in this writ petition is to direct the first respondent to prepare and release the revised Seniority list and Panel for Conductors as on 01.04.2011 by placing the Petitioner in the appropriate place of Seniority and to promote the Petitioner as Checking Inspector.

2.The learned counsel appearing on behalf of the petitioner made a submission that the respondents have not prepared the seniority list to release the panel in accordance with the provisions contemplated under the rules in force. Thus, the respondents have committed an act of omission and promoted the junior persons as Checking Inspectors in violation of rules in force. However, the writ petitioner has not narrated the details of the juniors and the promotion orders granted to the juniors in the



present writ petition. Further, the juniors were not impleaded as parties in the writ petition. In these circumstances, this Court is unable to verify those particulars. However, it is made clear that the respondents are bound to prepare the seniority list and publish the same, so as to enable the employees concerned to verify the list of seniority. Even at the time of granting promotion, a panel of eligible candidates has to be prepared. However, the learned counsel for the petitioner states that no such panel was prepared and the juniors were promoted contrary to the rules in force and seniors were denied promotion.

3. In these circumstances, this Court is of the opinion that it is suffice, if a direction is issued to consider the case of the writ petitioner, if any of the allegations are true and if he is otherwise eligible for promotion. In this view of the matter the first respondent is directed to consider the representation submitted by the writ petitioner on 23.04.2011 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a copy of the representation and fresh representation, documents, if any, along with the order passed in this writ petition.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region,
Dindigul.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Bye-pass Road,
Madurai - 625 016.

+1cc to M/S.S.Govindan, Advocate SR.No. 45042

W.P. (MD) No. 7718 of 2011

and

M.P. (MD) No. 1 of 2011