



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.374 of 2019

and

C.M.P(MD)No.3325 of 2019

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli)Limited,
Tirunelveli. ...
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli)Limited,
Tirunelveli Region,
Tirunelveli. ...Appellant/Third Respondent

.vs.

1. J.Thangadurai
Senior Assistant,
No.18/B-3, Kulavanigarpuram Main Road,
Palayamkkottai,
Tirunelveli District. ...Respondent/Petitioner
2. The Commissioner and Secretary to Government,
Transport Department,
Secretariat,
Chennai -9. ...Respondent/Ist Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.7844 of 2018, dated 11.04.2018.

Prayer in WP(MD)No.7844 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 Hon'ble Court in WA(MD)No.706 to 710 of 2017 dated 22.06.2017 which was complied by order of the 2nd respondent dated 08.12.2017.

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For Appellant

:Mr.A.Jeyaram

For Respondent-1

:Mr.S.Govindan

/Caveator

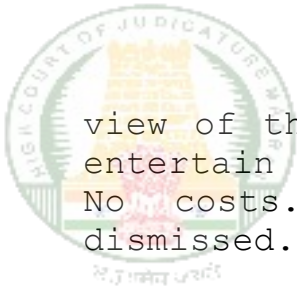
JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

The Tamil Nadu State Transport Corporation through its Officers are the appellants. The order passed by the Writ Court, dated 11.4.2018 in W.P(MD)No.7844 of 2018 is put to challenge. The Writ Petitioner sought for a mandamus directing the respondents/Corporation to re-designate the Petitioner as Junior Assistant from the date of appointment based on the Degree qualification in the same manner to the post of the persons who were appointed along with the Petitioner as Record Clerk were re-designated as Junior Assistant from the date of their acquiring degree in the light of the orders of this Court made in W.A(MD) Nos.706 to 710 of 2017, dated 22.6.2017.

2.In effect, the Writ Petitioner wanted re-designation of his post as Junior Assistant from the date of his appointment based on his degree qualification, as has been granted to similarly situated persons, that too, in the light of the order passed in W.A(MD)Nos.706 to 710 of 2017, dated 22.6.2017. The Writ Court found that the issue involved in this Writ Petition is squarely covered by the decision of this Court in W.A(MD)Nos.706 to 710 of 2017, dated 22.6.2017. The said fact, namely that the issue is covered by the order made in W.A(MD)Nos.706 to 710 of 2017, dated 22.6.2017, was not disputed by the learned counsel appearing for the first respondent before the Writ Court. To that effect, the learned Judge recorded the fact that the said counsel fairly submitted that the issue raised in the Writ Petition is covered by the above said decision. Consequently the Writ Court, by following the above said order made in W.A(MD)Nos.706 to 710 of 2017, dated 22.6.2017, allowed the Writ Petition.

3.When such being the factual position, We do not find any justification on the part of the appellants in filing the present Writ Appeal, having accepted that the issue involved in this appeal is covered by the order made in W.A(MD)Nos.706 to 710 of 2017, dated 22.6.2017. It is further stated that the said order passed by the Writ Court has been complied with by order of the second respondent in the Writ Petition, dated 8.12.2017. In



view of the above facts and circumstances, We find no ground to entertain the Writ Appeal and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

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

+ 1 CC TO Mr.S.Govindan, ADVOCATE IN SR No.69037

JUDGEMENT MADE IN
W.A(MD)NO.374 of 2019
and
C.M.P(MD)No.3325 of 2019

14.06.2019

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