



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.08.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD)No.1 of 2019

S.Joseph

... Appellant / Petitioner

Vs.

The General Manager, Madurai Region,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road,
Madurai 625 010

... Respondent / Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order made in W.P.(MD) No.4291 of 2010 dated 25.07.2011 and to grant the reliefs as prayed for by the petitioner in the above writ petition in W.P.(MD) No.4291 of 2010.

Prayer in WP(MD). 4291 of 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records from the respondent in his proceedings in Parvai: Sattam/WP No. 12509/2009 dated 05.01.2010 and quash the same and consequently direct the respondent to promote the petitioner as Selection Grade Driver.

For Appellant/ : Mr.S.Joseph P IN P
Petitioner (Party in person)

For Respondent : Mr.J.Senthil Kumariah

J U D G M E N T

(Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**)

1. This Writ Appeal is directed against the order made in W.P. (MD) No.4291 of 2010 dated 25.07.2011. The Writ Petitioner is the Appellant and he is appearing as a party in person. He filed the above writ petition challenging the proceedings dated 05.01.2010 of the respondent with a consequential direction to promote the petitioner as selection grade driver.

2. Through the said impugned order, the petitioner was informed that his request for consideration for the post of selection grade driver will be taken up only on 01.08.2010, since



the punishment of stoppage of stepping up of pay was passed on 31.07.2009 and the same was under the currency for the relevant time during which the petitioner sought for considering his request to the post of selection grade driver.

3. The Writ Court after recording the submissions made by the learned counsel appearing for the writ petitioner directed that the respondent may consider the petitioner's case from 01.08.2010 and to consider the case of the petitioner's promotion as selection grade driver by reviewing his case as on 01.08.2010. Thus, a perusal of the order passed by the Writ Court clearly shows that the same was made by the consent granted by the learned counsel for the petitioner that the petitioner's case may be considered with effect from 01.08.2010.

4. When such being the factual position, as is evident from the order passed by the writ court, we are not inclined to interfere with the consent order. It is also stated by the learned counsel for the respondent that the petitioner's case was considered after 01.08.2010 by giving two reviews and therefore, the petitioner has got the benefit subsequent to 01.08.2010.

5. Considering the above said facts and circumstances, more particularly, the fact that the order under challenge in this writ appeal is a consent order, we are not inclined to interfere with the consent order. Accordingly, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

sts
To

The General Manager, Madurai Region,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Bye Pass Road, Madurai 625 010.

+2CC TO MR.S.JOSEPH, Advocate Sr. No.80446
+1CC TO MR.J.SENTHIL KUMARIAH, Advocate Sr. No.80786

Judgment made in
W.A. (MD)No.1 of 2019
Dated: 07.08.2019

KM(CO)

TR (30.08.2019) 2P 5C

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