



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 10474 of 2019

R. Sivakumar : Petitioner

Vs.

The Managing Director,  
Tamil Nadu State Transport  
Corporation (Madurai) Limited,  
Madurai - 625 010. : Respondent

**PRAYER:** This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the respondent by his office order vide in Ref. HRD/ADMN/CA2/961/2015, dated 16.02.2016 and to quash the conditions alone in the impugned order and consequently directing the respondents to pay the pay scale attached to the post of Programmer to the petitioner, from the date of re-designation as Programmer i.e., from 16.02.2016.

For Petitioner : Mr. Balakrishnan

For Respondent : Mr. K. Chellapandian,  
Additional Advocate General  
assisted by  
Mr. A. Jeyaram,  
Standing counsel.

**ORDER**

This Writ Petition has been filed to quash the conditions in the impugned order, dated 16.02.2016 passed by the respondent in office order vide in Ref. HRD/ADMN/CA2/961/2015 and also sought for a direction to the respondent to pay the pay scale attached to the post of Programmer, from the date of re-designation as Programmer i.e., from 16.02.2016.



2. The grievance of the petitioner is that he was initially appointed as Non ITI helper (Tyreman) Post on daily wages system and thereafter, his post was upgraded and promoted as Non ITI Senior Helper by the respondent/corporation. Subsequently, by acquiring post graduation in MCA, the respondent has been redesignated on 16.02.2016 from Senior Attender to the post of Programmer with certain conditions.

3. The further grievance of the petitioner is that, he has submitted a representation on 23.02.2019 stating that he is a Programmer and redesignated post of Programmer is also an equivalent post to that of Computer Programmer. He also relied upon the decision of this Court in W.P.(MD) No.3642 of 2004, dated 23.06.2012 and requested to fix the pay scale on par with the other Transport Corporations with that of the other similar placed person and that the petitioner is also entitled to the scale of pay on par with the Computer Programmer.

4. The learned Additional Advocate General would submit that the contention of the petitioner is not correct. The duties and responsibilities of the Computer Programmer and qualification are different. The post of Programmer as well as the Computer Programmer are entirely different. He would further submit that the duties of the petitioner as a Programmer and the Computer Programmer as found in the writ petition in W.P.(MD) No.3642 of 2004 in respect of other Transport Corporation are entirely different. Therefore, the petitioner cannot seek the same scale of pay on par with the Computer Programmer who is working in the other Transport Corporations. But, however, he would further submit that the representation is still pending before the respondent and no order has been passed in the aforesaid representation.

5. Therefore, the issue involved in the present writ petition is that the duties and responsibilities of the Programmer in the respondent/corporation and the Computer Programmer in the other transport corporation is on par with the Computer Programmer in the other transport corporations as stated in the aforesaid writ petition. Thus, the respondent/corporation has to examine and take a decision and pass an order in the representation made by the petitioner.

6. In the light of the above said facts, this Court directs the respondent/corporation to consider the representation of the petitioner and pass an order, on merits and in accordance with law, within a period of Twelve (12) weeks from the date of receipt of copy of this order. It is open to the petitioner to furnish any additional particulars, if any and the same shall be submitted, within a period of Two (2) weeks from the date of receipt of copy of this order.



7. With the above observations, the instant writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (Cr1. Side)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To

The Managing Director,  
Tamil Nadu State Transport  
Corporation (Madurai) Limited,  
Madurai - 625 010.

+1 CC to M/s.S.PRABHA, Advocate ( SR-80938[F] dated 09/08/2019 )

**W.P(MD) .No. 10474 of 2019**  
**08.08.2019**

**ksa**

JM/06.09.2019/3P/3C