



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P (MD) No. 22141 of 2017

and

WMP (MD) Nos. 18450 and 18451 of 2017

S. Venkateswaran

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Byepass Road,
Madurai - 16.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region, Byepass Road,
Madurai - 16.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to promote the petitioner as Driving Instructor earmarked for Graduate Drivers in terms of G.O.Ms.No.38 Transport Department dated 13.2.1997 which was implemented by the sister Tamilnadu Transport Corporation (Villupuram) Ltd. Dated 25.1.2013.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.A.Jeyaram

ORDER

Seeking a direction to the respondents to grant promotion as Driving Instructor in terms of G.O.Ms.No.38, Transport Department dated 13.02.1997, the petitioner has filed this writ petition.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for the respondents.

3. The respondents filed a detailed counter affidavit, wherein at paragraphs - 2 and 3, it is held as follows:



"2.I submit that this writ petition is liable to be dismissed in limine as being not maintainable as per the service rules of this respondents corporation since G.O.Ms.No.38, dated 13.02.1997 of Transport Department relates with the promotion of Time Keeper/Accident Inspector. But the claim of the petitioner is for promotion to the post of Driving Instructor for which the above G.O. is not applicable.

3.I submit that as per the Rules 59(b) of Common Service Rules of this Corporation the eligibility criteria for the post of Driving Instructor is

"By promotion from among the holders of the posts of Selection Grade Drivers (HTV) who have passed std X or SSLC and who have been regular in attendance during the last three years."

As per the above provisions the petitioner is not eligible to consider for promotion for the post of Driving Instructor since his turn in seniority does not arise, which will be considered subject to merit cum seniority basis."

4.Such a statement made by the respondents in the counter affidavit has been seriously refuted by the learned counsel for the petitioner, who, in turn, submitted that the Government by G.O.Ms.No.38 Transport Department dated 13.02.1997, extended the benefit of 25% quota for Graduate Drivers for promotion to the post of Driving Instructor and hence, the petitioner is eligible to be promoted under 25% graduate quota.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the respondents are directed to consider the petitioner's representation dated 21.09.2017, seeking promotion to the post of Driving Instructor and pass necessary orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6.The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)Nos.18450 and 18451 of 2017 are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road,
Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Byepass Road,
Madurai - 16.

+1 CC to M/s.S.GOVINDAN, Advocate in SR-56487

W.P (MD) No.22141 of 2017
25.03.2019

mj

PK/25.04.2019 : 3P/4C