

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :17.07.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 14644 OF 2013

1. Tamilnadu Government Employees' Union,
Rep.by its President,
NO.62, Big Street,
Thiruvallikeni,
Chennai-600 005.
2. Thiru.K.Swaminathan .. Petitioners

- Vs -

1. Government of Tamilnadu,
Rep.by its Principal Secretary,
Home (Transport)Department,
Fort .St. George,
Chennai 600 009.
2. The Transport Commissioner,
Chepauk,
Chennai 600 005.
3. The Joint Transport Commissioner,
(Administration)
Chepauk, Chennai 600 005. .. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to make norms postings of Assistants in April and May every year including the norms postings of Assistants for the year 2013 strictly in accordance with rules based on the seniority and also based on the option given by the Assistants and the order of officer with regard to two years norms posting by moving the Assistants who have already completed the respective norms service and also by moving the assistants immediately on completion of the norms service, award costs.

For Petitioner : Mr.V.Ajay Khose

For Respondents: Mr.S.Thangavel, Spl.G.P.

ORDER

The petitioners have come up with the above writ petition praying to direct the respondents to make norms postings of Assistants in April and May every year including the norms postings of Assistants for the year 2013 strictly in accordance with rules based on the seniority and also based on the option given by the Assistants.

2.The brief facts of the case is that the petitioners were working as Assistants in the First respondent department and the first petitioner is the President of the 1st respondent union which is a society registered under the Tamilnadu Societies Registration Act and its registration number is 149/2009. The employees/government servants working in the State Home (Transport) Dept.,/ 1st respondent are members of the Tamilnadu Transport Dept., staff Association, which is affiliated with the 1st petitioner's union. In order to develop and promote the working knowledge and efficiency on all aspects and also in order to qualify for appointment/promotion to the post of Superintendent, the Government introduced 'Norm System'. As per rules an Assistant had to serve 4 years in the prescribed offices for appointment /promotion to the post of superintendent. As per G.O.Ms.NO.572, Home (Tr-IV) Dept., dated 01.06.2000, the above four years norms period was reduced to the three years and as per the said revised norms all the assistants shall have to serve for two years in the State Transport Authority, Deputy/Joint Transport Commissioners Office, State Transport Appellate Tribunal/Assistant Accounts Officer(Audit) and one year as Accountant in any of the office of the Regional Transport Office of the Transport Department.

3.The grievance of the petitioners is that the above said norms were fixed and revised from time to time, the postings were not made during any particular period and the postings were throughout the year. The Assistants who had to served the three years norms service for getting eligibility for promotion the post of superintendent, made a request to make all the norms posting during April and May of every year and also based on their option and choice with regard to the place of norms postings. Subsequently, the Government issued another G.O.Ms.NO.613 Home (Tr-IV) Dept., dated 14.05.2004, for considering norms posting based on the options exercised by the Assistants subject to the availability of vacancies in accordance with seniority. Even after the completion of the respective norms period, they were not moved and given regular line of postings. As per the above directions in the year 2008, the norms posting were made during April and May of

every year upto the year 2008 and in the year 2009, it was made only during June and thereafter from the year 2010 the norms were not strictly followed. Due to this the Assistants who are already waiting for norms postings were not able to get norms postings and they are deprived of their chance and opportunity to get qualified for promotion and appointment to the post of Superintendent. In this regard the petitioners and their association made repeated representations and requested the respondent to strictly adhere to and follow the directive regarding norms postings, however since there was no response, the petitioners have filed the present petition.

3. Learned counsel appearing for the petitioners reiterated the grounds raised in the writ petition and contended that due to the breach of rules many Assistants were made to serve in the same places of norms postings even after the completion of the respective two years and one year norms period service. have not considered their service for promotion which is against the order passed by in W.A. No.425/1991. In view of the above mentioned G.Os, this Court may issue a direction to the respondents to make claim posting of the assistant during April and May every year, strictly in accordance with rules based on their seniority.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who submits that this Court may direct the respondents to make norms postings of Assistants in April and May every year including the norms postings of Assistants for the year 2013 strictly in accordance with rules based on the seniority .

5. Considering the limited relief sought for, without going into the merits of the issue this Court directs the respondents to make norms postings of Assistants in April and May every year including the norms postings of Assistants for the year 2013 strictly in accordance with rules based on the seniority .

6. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

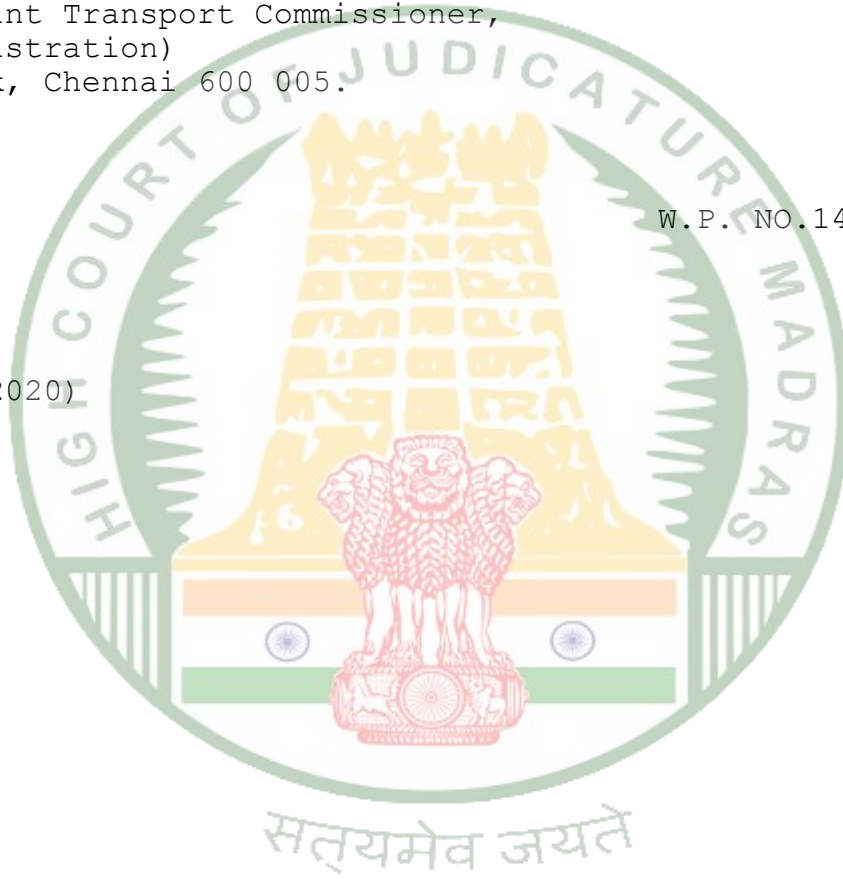
jrs

To

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MR(CO)
GS(01/09/2020)



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