

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 15.12.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.18839 of 2020

Law Foundation India Labour Trade Union,
Rep by General Secretary,
M.C.Krishnan

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep by Secretary,
Transport Department,
Fort St.George, Chennai - 600 009.
2. A.Arumugham
General Manager,
Tamil Nadu State Transport Corporation
(CBE) Ltd., Ooty Region,
Udhagamandalam.
3. S.Rajeswaran,
General Manager,
Tamil Nadu State Transport Corporation
(MDU) Ltd., Madurai Region, Madurai.
4. S.S.Rajmohan,
General Manager,
Tamil Nadu State Transport Corporation
(KUM) Ltd., Trichy Region, Trichy.
5. R.Mohan,
Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem Region, Salem.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus calling for the records in the impugned G.O.Ms.No.141 Transport (D) Department dated 28.11.2020 on the file of the first respondent to prepare a panel of eligible persons in conformity with the

Rules of the Tamil Nadu State Transport Corporation Rules for promotion to the post of Manager (Technical Wing) from the cadre of Senior Deputy Manager in the State Transport Corporation.

For Petitioner : Mr.S.Sadasharam
For Respondents : Mr.J.Pothiraj, Spl.G.P.
(for R.1)

ORDER

The Writ Petition has been filed questioning the appointment of respondents 2 to 5 from the cadre of Senior Deputy Manager to the cadre of Manager (Technical Wing) of the Transport Corporation.

2.The petitioner is a Trade Union and according to the Union, the unqualified persons have been appointed affecting the interest of the Corporation. This Court is unable to appreciate as to how a Labour Trade Union can maintain this Writ Petition questioning the appointment of the private respondents in the Managerial cadre.

3.In the opinion of this Court, the petitioner being a Labour Trade Union, has no locus standi to question the promotion of persons in the Managerial cadre and on this ground alone the Writ Petition is liable to be dismissed. Moreover, the so called public interest is pleaded in the Writ Petition stating that unqualified persons should not be appointed to the higher post, this Court is not convinced of the bonafides of the interest being espoused by the petitioner.

4.This Court from the averments could see that the Trade Union has some axe to grind against appointment of the private respondents and this Court's constitutional jurisdiction cannot be misused by the petitioner for mischievously advancing its personal agenda against the promotion of the private individuals. On the whole, this Court finds that the Writ Petition lacks in bonafides.

5.Therefore, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrm

To

The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 600 009.

+lcc to The Government Pleader, SR41565
+lcc to Mr.S.Sadasharam, Advocate, SR40961

W.P.No.18839 of 2020

CO(PA)
BDL/11/01/2021



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