



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.12238 of 2014

Dr.M.Balasubramanian

... Petitioner

vs.

1.The Principal Secretary to Government
Transport Department
Secretariat, Chennai 600 009

2.The Managing Director
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the impugned Government Letter No.12183/D2/2013 dated 19.11.2013 and quash the same and consequently direct the respondents to promote the petitioner notionally as Manager on par with his juniors who served in the Engineering and Accounts branch and revise his pensionary benefits within a specified time frame.

For Petitioner	:	Mr.S.Viswalingam
For R1	:	Mr.S.Dhayalan Government Advocate
For R2	:	Mr.J.Senthil Kumariah

O R D E R

The above Writ petition has been filed to call for the records of the first respondent relating to the impugned Government Letter No.12183/D2/2013 dated 19.11.2013 and quash the same and consequently direct the respondents to promote the petitioner notionally as Manager on par with his juniors who served in the Engineering and Accounts branch and revise his pensionary benefits within a specified time frame to be fixed by this Court.



2. According to the petitioner, he was recruited through State Professional Employment Exchange, Chennai and appointed as Medical Officer in the cadre of Assistant Manager in the former Pandian Roadways Corporation and joined duty on 06.08.1980. Subsequently, he was promoted as Deputy Manager with effect from 26.05.1987 and as Senior Deputy Manager with effect from 30.06.2008. He attained the age of superannuation on 31.05.2013. The grievance of the petitioner is that he was not elevated to the cadre of Manager from 30.06.2008 to till the date of retirement. Hence, he filed the present Writ petition.

3. The learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent would submit that as per Rules, the person who possess Degree in Mechanical or Electrical Engineering or Post Graduate Degree in Management Science with specialization in Materials Management and who have at least twelve years of experience in the field of material management is only entitled for promotion. According to the petitioner, he is the Medical Officer and therefore, he is not entitled for promotion. Hence, they prayed for dismissal of this Writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

5. The method of recruitment under Rule 59(b) has clearly stated the required qualifications for promotion to the post of Manager and the same reads as follows:

- | | | |
|---------------------------|------|---|
| 1. Manager
(Technical) | (i) | By transfer from among the holders of the post of Manager (Materials) |
| | | or |
| | (ii) | By promotion from among holders of the posts of Deputy Manager (Tech.) and Deputy Manager (Works) and from among holders of the posts of Deputy Manager (Traffic Engineering) and Deputy Manager (Commercial)/Traffic in the Traffic Department who possess Degree in Mechanical or Automobile or Electrical Engineering. |
| 2. Manager
(Materials) | (i) | By transfer from among the holders of the post of Manager (Technical) |
| | | or |



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W.P.(MD) No.12238 of 2014

- (ii) By promotion from among the holders of the posts of Deputy Manager (Materials)/Deputy Manager (Purchase) and Deputy Manager (Stores) and from among the holders of any other category in the Deputy Manager grade in the Technical Department who possess Degree in Mechanical or Automobile or Electrical Engineering or post graduate Degree in Business Administration/Management Sciences with specialization in Materials management and who have at least twelve (12) years experience in the filed of Materials Management.

6.From the above Rule, it is clear that the petitioner is not entitled for any promotion, as he does not possess the required educational qualification of degree in Mechanical or Automobile or Electrical Engineering or post graduate Degree in Business Administration/Management Sciences with specialization in Materials management. If the petitioner is aggrieved over the order, he can only challenge the Rule. There is no merit in the Writ petition. Accordingly, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To
The Principal Secretary to Government
Transport Department
Secretariat, Chennai 600 009

+1 CC to M/s.S.VISVSLINGAM, Advocate (SR-3927[F] dated 30/01/2020)

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-4100[F] dated 31/01/2020)

+1 CC to M/s.SPL.GP (SR-4305[F] dated 31/01/2020)

W.P. (MD) No.12238 of 2014

30.01.2020

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