



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.2684 of 2014

D.Edison David

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
Madurai Limited,
Bypass Road, Madurai - 10.

2.The General Manager (Operations)
Tamil Nadu State Transport Corporation
Madurai Limited,
Bypass Road, Madurai - 10.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned orders of Reversion passed by the second respondent in his proceedings Parvai Niruvagam A3/704/2006, dated 06.07.2009 and quash the same and consequently, direct the respondents to restore his original position in the post of Checking Inspector and to sanction and settle the monetary and other consequential and retirement benefits and also to sanction the difference in service benefits intended to the post of Checking Inspector.

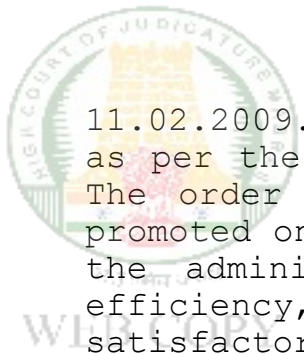
For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

The order of reversion reverting the writ petitioner from the post of Checking Inspector to Special Grade Conductor in proceedings, dated 06.07.2009, is under challenge in the present writ petition.

2.The petitioner was working as Special Grade Conductor and was promoted as Senior Checking Inspector with effect from
<https://hcservices.ecourts.gov.in/hcservices/>



11.02.2009. He was placed under probation for a period of two years as per the office order No.Niruvagam/A3/704/2006, dated 09.02.2009. The order of promotion, dated 09.02.2009 states that the persons promoted on probation and the period of probation may be extended by the administration. During the period of probation, if their efficiency, conduct and performance of their duties are not satisfactory, then, the promotion will be cancelled and they will be reverted back to the original post along with the salary attached to the post, in which, they have worked earlier. Accepting the said condition, the writ petitioner joined in the post of Senior Checking Inspector with effect from 11.02.2009.

3.The learned counsel appearing on behalf of the respondents states that during the probation period, it was found that the performance of the writ petitioner was not satisfactory. The counter filed by the respondent also reveals that the petitioner was allotted the duty of Traffic Supervisor for posting Driver and Conductor to buses. The petitioner was frequently absented himself in attending his duties. Moreover, the petitioner was found that he did not have the ability to do the duty of Traffic Supervisor and as such, many buses could not be operated in the schedule timings. In view of the fact that the service of the writ petitioner was not satisfactory and his efficiency level in performing the duties as a Senior Checking Inspector was poor, the order of reversion was passed in proceedings, dated 06.07.2009.

4.It is pertinent to note that the petitioner joined as Special Grade Conductor pursuant to the impugned order of reversion and worked for about two years and retired from service on 28.02.2011 and after a lapse of about five years from the date of passing of the impugned order and after attaining the age of superannuation, the petitioner has chosen to file the present writ petition. Thus, the writ petition itself is filed belatedly after a lapse of about five years from the date of passing of the impugned order of reversion. This apart, he joined as per the reversion order in the year 2009 and served upto the year 2011 and retired from service and thereafter, waited for about three years and filed the writ petition in the year 2014.

5.Even on merits, the petitioner was promoted and kept under probation. During the probation period, the authorities found that, his performance of duties were not satisfactory and he was unable to control the traffic in an efficient manner. This being the assessment of the authorities competent, such assessment cannot be questioned before the Court of law. The assessment of administration regarding the performance of duties and responsibilities is conclusive unless any personal motive is established. In the present case, the authorities found that the petitioner is not suitable for the promotional post of Senior Checking Inspector and his performance was found to be poor.



6.This being the factum, the writ petition is to be dismissed both on merits as well as on the ground of laches. Thus, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

The Managing Director,
Tamil Nadu State Transport Corporation
Madurai Limited,
Byepass Road, Madurai - 10.

W.P. (MD) .No.2684 of 2014
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