



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.20698 of 2015

and M.P. (MD)No.1 of 2015

WEB COPY

M.Shanmugam

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Railway Station New Road, Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Railway Station New Road,
Kumbakonam.

... 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 in impugned order passed by the first respondent in த.அ.பொ.க./கும்ப/மவமே/904/2015, dated 09.09.2015 quash the same and direct the respondents to give the retirements benefits on the base of proposed promotion superintendent from the date of the promotion given to S.Natarajan (ie) from 24.02.2014.

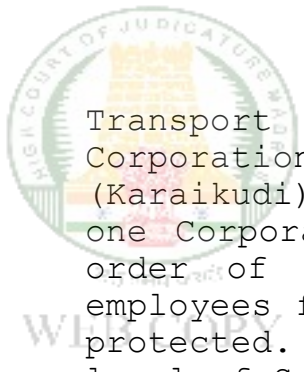
For Petitioner : Mr.N.Rahamadullah
For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

The relief sought for in the present writ petition is to quash the order dated 09.09.2015 declining the claim of the petitioner to grant retrospective promotion and direct the respondents to grant retirement benefits on the basis of the proposed promotion as Superintendent from the date of promotion given to Mr.S.Natarajan.

2.The petitioner states that he was appointed as Junior Assistant and subsequently, promoted to the post of Special Grade Assistant. The petitioner retired from service on 31.03.2014. The grievances of the writ petitioner is that his junior one Mr.S.Natarajan was promoted as Superintendent on 24.02.2014. Thus, he is also entitled to the said post with retrospective effect. The writ petition itself is filed after retirement.

3.The counter filed by the second respondent reveals that the petitioner was working as Assistant in the Tamil Nadu State



Transport Corporation (KUM-2), Trichy Region. The individual Corporation i.e., KUM-1 (Kumbakonam), KUM-2 (Trichy), KUM-3 (Karaikudi) and KUM-4 (Pudukkottai) were getting amalgamated into one Corporation with effect from 30.12.2003. While releasing the order of amalgamation, it was assured that the rights of the employees for getting promotion in the existing Corporation will be protected. Based on the assurance, the seniority list upto the level of Supervisor is being maintained at Region level.

4. There is no common seniority upto the level of Supervisors. The petitioner and his junior, Thiru.S.Natarajan, Special Grade Assistant were serving at Corporate Office. Thiru.S.Natarajan belongs to Pudukottai Region and the petitioner belongs to Trichy Region. Based on the seniority list maintained at Pudukottai Region, Thiru.S.Natarajan, Special Grade Assistant has got promotion with effect from 24.02.2014 to the post of Superintendent, whereas, the petitioner, namely, Thiru.Shanmugam, who belongs to Trichy Region did not attain seniority in Trichy Region and therefore, he was not permitted to the post of Superintendent.

5. The reasons stated in the counter affidavit is unambiguous that due to amalgamation of Corporations, seniority list was preferred. Based on the orders, in this regard, the seniority list was preferred as the petitioner belongs to Trichy Region and his junior belongs to Pudukottai Region. The said Mr.S.Natarajan cannot be said to be junior to the writ petitioner. However, the fact remains that the petitioner attained the age of superannuation and retired from service.

6. Under these circumstances, the relief as such sought for to grant retrospective promotion deserves no merit consideration and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.E)

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Sub Assistant Registrar (CS)

sjj

+1 CC to Mr.D.SIVARAMAN, Advocate SR-25474.

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