



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Ninth day of February Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon'ble Mrs. Justice J. NISHA BANU

WMP (MD) No.1830 of 2020

IN

WP (MD) NO.19392 of 2014

R. Rengasamy

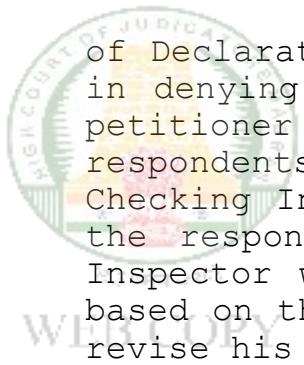
... Petitioner

Vs

- 1 The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, New Railway Station Road, Kumbakonam, Thanjavur District
- 2 The General Manager, The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Trichy Region Trichy
- 3 The Administrator, The Tamil Nadu State Transport Corporation, Pension Fund Trust, Thiruvalluvar House Pallavan Salai, Chennai-2
- 4 T. Tamilmani
- 5 P. Mohan

... Respondents

Prayer :- This petition filed under Article 226 of the Constitution of India, to Permit the petitioner to amend the prayer in the writ petition in W.P(MD)No.19392 of 2014 as under- In the foregoing circumstances, it is prayed that this Honourable Court may be pleased to issue a Writ of Certiorarified Mandamus, Calling for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC/Kumba/Trichy/ D6/9349/2012 dated 22.10.2013, quash the same and consequently direct the respondents to promote the petitioner to the post of Checking Inspector on notional basis on par with his juniors, the respondents 4 and 5 herein with all attendant service benefits, monetary benefits and also further directing the respondents to revise the petitioner's retirement benefits including gratuity monthly pension, commuted value of pension, earned leave salary etc., and to pay the difference amount in his retirement benefits within a time limit stipulated by this Court.



of Declaration declaring that the action of the Respondents 1 and 2 in denying the promotion to the post of Checking Inspector to the petitioner with effect from 15.11.2013 i.e., the date on which the respondents 4 and 5, his juniors were promoted to the post of Checking Inspector is illegal and arbitrary and consequently direct the respondents 1 and 2 to promote him to the post of Checking Inspector with effect from 15.11.2013 to pay all monetary benefits based on the promotion and further direct the respondents 1 to 3 to revise his retirement benefits based on the said promotion.

ORDER:- This Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.K.Chandrasekar Advocate for the Petitioner and of Mr.D.Sivaraman Advocate for the respondents 1 and 2 and of Mr.A.Swaminathan Advocate for the 4th respondent and None appeared on behalf of the 3rd respondent, this Court made the following order:

This petition has been filed by the petitioner seeking to amend the prayer in the writ petition.

2. The learned counsel for the petitioner submitted that the petitioner omitted to challenge the punishment order dated 22.10.2013. As the punishment imposed stated to be the reason for denial of promotion by the respondents 1 and 2, it has become necessary for him to challenge the same to avoid technical objections. No prejudice will be caused to the respondents in allowing this petition as the details of the same had already been adverted by the petitioner in the affidavit filed in support of the writ petition. Thus, he prayed to allow this petition.

3. The learned standing counsel appearing for the Transport Corporation vehemently opposed this petition and he submitted that the petitioner wants to challenge the order imposing punishment after a delay of more than six years and therefore, this petition may be dismissed.

4. Heard the learned counsel appearing for both sides and perused the records carefully.

5. The delay of more than six years in challenging the order of punishment has not been explained by the petitioner. More over, it is stated that the order imposing punishment has already been given effect to. Therefore, this Court is not inclined to allow this petition. Hence, this petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO

- 1 The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Rep.by its Managing Director, New Railway Station Road, Kumbakonam, Thanjavur District
- 2 The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region Trichy
- 3 The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House
Pallavan Salai, Chennai-2

ORDER DATED : 09/02/2021

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ORDER
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WMP(MD) No.1830 of 2020
IN
WP(MD) NO.19392 of 2014

Giving direction and etc.
as stated within.

AP(23/02/2021) 3P 4C