



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2021**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.10831 of 2016
and
W.M.P. (MD) .No.8405 of 2016

S.Kajamydeen

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to promote the petitioner as Driving Instructor / Time Keeper under 25% quota earmarked for the Graduate Drivers as per Common Service Rule Appendix II and G.O.Ms.No.38, Transport Department, dated 13.02.1997, which was implemented by the Sister Concern Tamil Nadu State Transport Corporation (VPM) Limited, Villupuram, by order dated 25.01.2013.

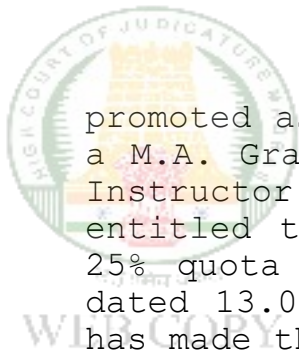
For Petitioner	: Mr.S.Govindan
For Respondents	: Mr.J.Senthil Kumaraiah Standing Counsel

O R D E R

This writ petition has been filed for a direction to the respondents to promote the petitioner as Driving Instructor / Time Keeper under 25% quota earmarked for the Graduate Drivers, as per Common Service Rule Appendix - II and G.O.Ms.No.38, Transport Department, dated 13.02.1997.

2. The case of the petitioner is that he was joined as a Driver in Virudhunagar Region on 26.09.2007 and subsequently, he was

<https://hcservices.ecourts.gov.in/hcservices/>



promoted as Senior Grade Driver in the year 2014. The petitioner is a M.A. Graduate and the next avenue of promotion is Junior Driving Instructor / Time Keeper, as per the Common Service Rules and he is entitled to be promoted as Driving Instructor / Time Keeper under 25% quota earmarked for graduate drivers, as per G.O.(Ms.).No.38, dated 13.02.1997. In order to avail such a benefit, the petitioner has made the representations dated 20.12.2015 and 09.06.2016 to the respondents. But till date the said representations were not considered. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

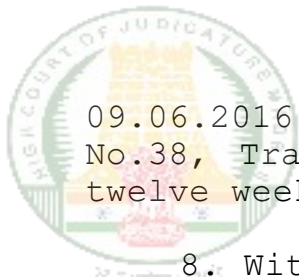
3. The learned counsel appearing for the petitioner would submit that though the petitioner entered into service as a Driver in the year 2007, even after lapse of 14 years, he was not granted promotion, as per Common Service Rules. Hence, this Court may issue a direction to the respondents to promote the petitioner, as per the Common Service Rules.

4. The learned Standing counsel appearing for the respondents would submit that there is no provision available in the Common Service Rules of the Tamil Nadu State Transport Corporation, for promoting the drivers having degree qualification like the petitioner by extending 25% quota. He would further submit that in the absence of any provision, the prayer sought for in this writ petition cannot be granted. Accordingly, he prayed for dismissal.

5. Heard the learned counsel for the petitioner, learned Standing counsel for the respondents and perused the materials available on record.

6. The petitioner is a M.A., graduate and he joined as a Driver in the respondent Corporation in the year 2007 and subsequently, he was promoted as Senior Grade Driver and the next avenue of promotion is Junior Driving Instructor / Time Keeper. As per the Common Service Rules, 25% quota shall be filled up from among the Senior Grade Conductors, who possessed degree qualification. Subsequently, the Government issued G.O.(Ms.)No.38, Transport Department, dated 13.02.1997, extending the benefit of 25% quota for Graduate Conductors to the Drivers also, who are having degree qualification. As per the said G.O., the Drivers recruited with S.S.L.C. Qualification may be treated on par with Conductors while considering for promotion to posts like Time Keeper, Accident Inspector etc. A ratio of 3:1 between Conductors and Drivers may be adopted for promotion.

7. In view of the above said G.O., the Drivers also entitled for promotion to the post of Checking Inspector, Time Keeper and Accident Inspector. Hence, this Court is inclined to issue direction to the respondents to consider the petitioner's representations of the petitioner. Accordingly, the respondents are directed to



09.06.2016 and pass appropriate orders, in the light of G.O.(Ms.) No.38, Transport Department, dated 13.02.1997, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Records)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye Pass Road,
Madurai 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar District.

W.P. (MD) No.10831 of 2016
23.02.2021

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