



WP(MD)No.7209 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.7209 of 2022

and

W.M.P(MD) Nos.5449 & 5451 &5454 of 2022

P.Natesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagarcoil Region,
Ranithottam,
Nagarcoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the separate seniority list of Graduate Conductors for the year



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2020 and 2021 under 25% quota as per the Common Service Rules and consequently, direct the respondents to promote the petitioner as Checking Inspector as per the seniority, as was implemented upto the year 2014 and as was also implemented in other Transport Corporations by extending the benefit of similarly placed Graduate Conductors.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.D.Jebaraj,
Standing counsel

ORDER

This writ petition has been filed for a Writ of Mandamus to direct the respondents to release the separate seniority list of Graduate Conductors for the year 2020 and 2021 under 25% quota as per the Common Service Rules and consequently, direct the respondents to promote the petitioner as Checking Inspector as per the seniority, as was implemented upto the year 2014 and as was also implemented in other Transport Corporations by extending the benefit of similarly placed Graduate Conductors.



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2. The learned counsel for the petitioner submitted that the petitioner joined as Conductor on 01.04.1992 in the respondent Corporation and was promoted as Selection Grade Conductor and then, as Special Grade Conductor. He is a B.A., Graduate passed in the year 1987 and his next avenue of promotion is Checking Inspector. The petitioner is entitled to be promoted as Checking Inspector under 25% quota earmarked for Graduate Conductors as per seniority intended for Graduates.

3. From 2014 onwards, the respondents have given promotion only from 75% quota for Non-Graduate Conductors and no one was considered for promotion under 25% quota earmarked for Graduate Conductors. The respondent Corporation has followed the Common Service Rules and granted promotion 25% quota for Graduate Conductors till 2014. Thereafter, no one was promoted under Graduate Conductors quota. Therefore, this writ petition has been filed for preparing separate seniority list of Graduate Conductors for the year 2020 and 2021 under 25% quota as per the Common Service Rules and to promote the petitioner as Checking Inspector as per the seniority.



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4. The learned counsel for the petitioner produced the relevant portion of the Common Service Rules and Procedures followed in other Transport Corporations.

5. Mr.D.Jebaraj, learned Standing Counsel takes notice for the respondents and submitted that steps will be taken to follow the Common Service Rules.

6. Considered the rival submissions and perused the records.

7. Rule 4 of the Common Service Rules, relating to promotion of Checking Inspector / Time Keeper and Junior Checking Inspector / Time Keeper, reads as follows :

4.a)	Checking Inspector/ Time Keeper.	i) By promotion from among the Selection Grade Conductors (third level) and Senior Conductors (second level) in the working group, in the following manner :-
b)	and Junior Checking Inspector / Time Keeper	



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	a) 75% of the promotion, from among the Selection Grade Conductors (third level) in the working group to the post of Checking Inspector /Time Keeper (second level) in the Miscellaneous Group, as follows.-- (1) 50% from among the Selection Grade Conductors who possess MGEQ or any higher qualification, and (2) 50% from among the Selection Grade Conductors who have passed from III/Standard VIII or any higher qualification. b) 25% of the promotions from among the Senior Conductors (second level) in the working group, who possess a degree in Arts or Science or Commerce, to the post of Junior Checking Inspector/ Time Keeper (first level) in the Miscellaneous Group.
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8. Rule 4(b) of Common Service Rules specified that 25% of the promotions from among the Senior Conductors (second level) in the working group, who possess a degree in Arts, Science or Commerce to the post of Junior Checking Inspector / Junior Time Keeper (first level) in the miscellaneous group.

9. The petitioner also produced the proceedings, dated 11.03.2013 and 23.01.2006 along with separate seniority list for Graduate Conductors to show that the Government Transport Corporation, Chennai, short-listed the Conductors and prepared separate seniority list for considering them for the post of Checking Inspectors. He also produced the proceedings dated 21.12.2013 of Tamil Nadu Government Transport Corporation, Tirunelveli Ltd., and the proceedings, dated 03.05.2012, to show that Graduate Conductors were considered for promotion of Checking Inspectors.

10. He also brought to the notice of this Court the counter affidavit filed by the Transport Corporation in W.P.(MD) No.7412 of 2012 before this Court and in W.P.(MD) No.14444 of 2012, to show that



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the Transport Corporation has taken a decision that 25% quota of promotion to the post of Checking Inspector is earmarked for Graduate Conductors and all the Transport Corporations in Tamil Nadu are following the Common Service Rules in the matter of promotion to Conductors to the post of Checking Inspectors.

11. The annexed Rule 4 of Common Service Rules and the materials produced by the learned Counsel for the petitioner would show that 25% of quota is reserved for Graduate Conductors for being considered for the promotion of Checking Inspectors. This Rule is widely followed by the Transport Corporation including the respondent Corporation.

12. Therefore, this Court directs the respondents to release the separate seniority list of Graduate Conductors for the year 2020 and 2021 for promotion under 25% quota as per the Common Service Rules and consider the petitioner's claim of promotion on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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13. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
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To

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G.CHANDRASEKHARAN, J.

RM

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