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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)Nos.14728 and 25780 of 2019
and WMP Nos.22313 and 22316 of 2019

W.P.(MD) No.14728/2019

J.Jebachandra Nesakumar ... Petitioner

Vs.

1.The Chairman
Transport Department
Fort St. George
Chennai.

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil, Rep. by its Managing Director

3.The Regional Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Zone,
Kanyakumari District. ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by 3rd respondent in கடித.எண் .2131/எ1/த.அபோக(தில்)/நாகர் /1999 dated 14.05.2019 and quash the same and further to direct the Respondents to promote the petitioner as Senior Deputy Manager Corresponding to the pay revised within a specified period fixed by the High Court.

For Petitioner : Mr.T.S.Mohammed Mohideen
For Respondents : Mr.R.Rajamohan

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W.P.(MD) No.25780/2019

J.Jebachandra Nesakumar ... Petitioner

Vs.

1.The Principal Secretary to Government
Transport (D) Department
Government of Tamil Nadu
Secretariat
Chennai.

2.The Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd.,
Nagercoil, Rep. by its Managing Director

3.The Regional Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Zone,
Kanyakumari District.

4.S.Sakthivel
5.K.Swarnalatha
6.L.Shyamala
7.K.Elangovan
8.M.Merlin Jayanthi
9.A.Ganapathy ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Government Order G.O.(D) No.99 Transport (D) Department dated 21.11.2019 issued by 1st respondent promoting respondents 4 to 9 and quash the same consequently to promote the petitioner as Senior Deputy Manager in non technical vacancy within a specified period fixed by the High Court.

For Petitioner : Mr.T.S.Mohammed Mohideen
For Respondents : Mr.N.Satheeshkumar for R1
Additional Government Pleader
Mr.R.Rajamohan for R2 & R3
Mr.J.Senthil Kumaraiah for R4 to R9

COMMON ORDER

W.P.(MD) No.14728/2019

Declining the claim of the writ petitioner to the post of Senior Deputy Manager is under challenge in the present writ petition.

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2.The petitioner was initially appointed as Computer Programmer (Trainee) on 17.09.1987 on consolidated pay. He was absorbed in the post of Junior Assistant (Computer Programmer) with effect from 17.09.1988. Thereafter, the petitioner was promoted to the post of Assistant and Superintendent. Equal pay for equal work claimed by the writ petitioner was granted by the respondents pursuant to the orders of this Court passed in W.A.No.2337/2012 dated 08.09.2014. However, the petitioner thereafter submitted an application seeking promotion to the post of Senior Deputy Manager, which is a common cadre service.

3. The learned counsel for the respondents objected the relief itself by stating that the post of Superintendent is not a feeder category. For promotion to the post of Senior Deputy Manager, promotions are to be granted based on the feeder category as per the rules in force.

4. In between the post of Superintendent and Senior Deputy Manager, the post of Senior Superintendent, Assistant Manager and Deputy Manager are available. Therefore, the post of Superintendent is the feeder category to the post of Senior Superintendent. Senior Superintendent is the feeder category to the post of Assistant Manager. Assistant Manager is the feeder category to the post of Deputy Manager and the Deputy Manager alone is the feeder category for promotion to the post of Senior Deputy Manager. This being the rule in force, the petitioner cannot seek promotion directly from the post of Superintendent to Senior Deputy Manager.

5. It is absurd and not in consonance with the service rules as applicable to the transport corporation employees. In view of the fact that the petitioner is not working in the feeder category for promotion to the post of Senior Deputy Manager and in between three other posts are available, the very relief sought for by the petitioner for promotion to the post of Senior Deputy Manager is to be considered strictly in accordance with rules and ascertaining the eligibility and other qualifications.

6. With this observation, the writ petition stands dismissed.

W.P.(MD) No.25780/2019

The writ petitioner, who is working as a Superintendent, admittedly has challenged the order of promotion granted to the contesting respondents to the post of Senior Deputy Manager. The post of Superintendent is not the feeder category for the promotion to the post of Senior Deputy Manager. In between the post of Superintendent and Senior Deputy Manager, the post of Senior Superintendent, Assistant Manager and Deputy Manager are available. Therefore, the post of Superintendent is the feeder category to the post of Senior Superintendent. Senior superintendent is the feeder

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category to the post of Assistant Manager. Assistant Manager is the feeder category for promotion to the post of Deputy Manager and the Deputy Manager alone is the feeder category for promotion to the post of Senior Deputy Manager.

2. In view of the fact that the petitioner is not eligible to the post of Senior Deputy Manager, the relief is absolutely misconceived and accordingly, there is no infirmity in respect of the action initiated by the respondents. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Principal Secretary to Government
Transport (D) Department
Government of Tamil Nadu
Secretariat, Chennai.

2.The Chairman
Transport Department
Fort St. George, Chennai.

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

4.The Regional Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Zone,
Kanyakumari District.

+2 CC to M/s.R.RAJAMOHAN, Advocate (SR-11084 & 11085[F] dated 10/03/2022)
+1cc to M/S.SPL GP, SR.No. 11489

W.P.(MD)Nos.14728 and 25780 of 2019
09.03.2022

KG(CO)GC(21.03.2022) 4P 8C

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