



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.7320 of 2014

WEB COPY

S.Basheer

... Petitioner

vs

1. The Principal Secretary to Government
Cum Chairman of Transport Corporations,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli Division,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the impugned order vide memo No.359/A1/TNSTC/NGL/97, dated 26.07.2011 passed by the second respondent and consequently, direct the second respondent to re-designate the petitioner to the post of senior systems manager.

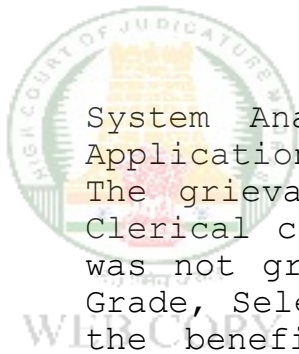
For Petitioner : Mr.S.ANWAR SAMEEM

For Respondents : M/S.D, Farjana Ghoushia for R1
Special Government Pleader
Mr.S.Sathya Singh for R2

O R D E R

This Writ Petition is filed challenging the impugned communication, dated 26.07.2011, passed by the second respondent and consequently, direct the second respondent to re-designate the petitioner to the post of Senior Systems Manager.

2. The petitioner's qualification is B.A and had completed a certificate course in Computer Programming in the year 1986. The petitioner was appointed as a Computer Operator (trainee) in the second respondent Corporation. While in service, the petitioner has occurred additional qualification of M.A. Sociology, Diploma in



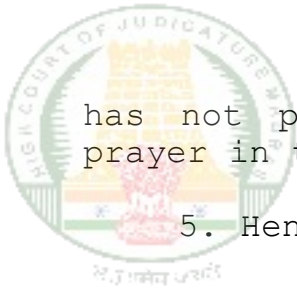
System Analysis and Data Processing, P.G. Diploma in Computer Application, MCA and MBA and he was made permanent in the year 1987. The grievance of the petitioner is that he was appointed in the Clerical cadre and was made as Record Clerk. Since the petitioner was not granted any promotion, the respondents have granted Senior Grade, Selection Grade and Special Grade. The petitioner is seeking the benefits of G.O.Ms.No.339, dated 26.08.2010. In the said Government Order, the Government has taken decision to implement the recommendation of the One Man Commission and the Data Entry Operators, Junior Programmer, Assistant Programmer, Deputy Programmer, System Analyst, Programmer etc., were re-designated without the revised scale of pay.

3. The contention of the petitioner is that such Government Order is applicable to the respondent Transport Corporation. The respondent Transport Corporation is a separate entity with their own rules and regulations. Even if any Government Orders are passed, the said Government Orders have to be adopted by the Corporation through their Board of Directors. The contention of the petitioner is that he had submitted several applications to the Information Officer and has obtained a communication, wherein, it has been stated that Government Order is extended to all State Public Sector undertakings / Boards with certain conditions. Thereafter, the Additional Chief Secretary has recommended the case of the petitioner to the Managing Director of Tamil Nadu State Transport Corporation, wherein, it has been stated as under:

"2. I am therefore to request you to explore the possibilities for including the petitioner's name in the Assistant Manager panel of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Tirunelveli on par with Tmt. Usharani based on the petitioner's qualification.

3. I am also to request you to explore the possibility to extension of one man Commission recommendation for EDP persons for this case."

4. The Government has simply requested the Managing Director of Tamil Nadu State Transport Corporation to explore the possibility of including the petitioner's name in the Assistant Manager panel of Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., on par with Tmt.Usharani and again the Government has requested to explore the possibility to extend the One Man Commission recommendation. There is no direction from the Government to implement the said Government Order. The 2nd respondent is an independent body with their own rules and regulations and some of the benefits are extended through 12(3) Settlements and some of the benefits are adopted through resolutions of Board of Directors. The petitioner



has not produced any such orders / resolutions. Therefore, the prayer in the writ petition cannot be granted at all.

5. Hence the Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Secretary to Government
Cum Chairman of Transport Corporations,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli Division,
Tirunelveli.

+1. CC to MR.K.SATHIYA SINGH, Advocate SR.No.5488(F)

+1. CC to SPECIAL GOVERNMENT PLEADER SR.No.5372(F)

Order made in
W.P. (MD)No.7320 of 2014
09.02.2022

PKP/05.04.2022/3P/5C