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W.P.Nos.19878 to 19882 of 2008 & 870 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.19878 to 19882 of 2008 & 870 of 2013

and

M.P.Nos.1 of 20087 (5 Nos), 1 of 2009 (5 Nos) and 1 of 2013 (2 Nos)

W.P.No.19878 of 2008

K.Natarajan

..... Petitioner

Vs

The Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore – 641 043.

..... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to promote the petitioner to the post of Superintendent for the existing vacancies as per the Seniority List and as per rules laid down in the Common Service Rules and as per the letter of the respondent 4111/இ2/புதுபி.2/தா.போ.க(கோ)/08 dated 13.05.2008.

In all W.Ps

For Petitioner : Mr.K.Chockalingam

For Respondent : Mr.A.Vinoth Raj



W.P.Nos.19878 to 19882 of 2008 & 870 of 2013

COMMON ORDER

These Writ Petitions have been filed for direction directing

the respondent to promote the petitioners to the post of Superintendent in the existing vacancies as per the Seniority List. Insofar as W.P.No.870 of 2013 is concerned challenging the notice mentioned in the provision list of seniority, thereby calling for objections.

2. The petitioners were appointed as Conductor and subsequently, they were called for interview and selected to the post of Clerk in the administrative side. Their services were regularised in the administrative side. In the administrative cadre, designation of various posts, seniority and promotion are guided by the Common Service Rules. They had completed their three reviews which is eligible for promotion to the post of Superintendent. However, their names were not considered to the post of Superintendent.

3. A perusal of the counter filed by the respondents revealed that the petitioners had exercised their option to continue in the clerical cadre accepting to abide by the terms and conditions. As per the condition that on completion of successful period of Assistants post they may be eligible for Senior Assistants or Junior Superintendents as the case may be according to the available posts. On completion of successful period of Assistants post, the petitioners were already



W.P.Nos.19878 to 19882 of 2008 & 870 of 2013

promoted to Senior Assistant. Since option was exercised to be promoted either as Senior Assistant or Junior Superintendent, now they cannot seek to the post of Superintendents.

4. Therefore, the request of the petitioners cannot be considered and the writ petitions are devoid of merits and are liable to be dismissed. Accordingly, W.P.Nos.19878 to 19882 of 2008 are dismissed. Insofar as W.P.No.870 of 2013 is concerned, the petitioner challenged the provisional list of seniority, thereby calling for objections. Thereafter, the seniority list was furnished and eligible persons were promoted. Therefore, nothing survives in the said writ petition. Accordingly, W.P.No.870 of 2013 also stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

16.08.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking/Non Speaking order
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W.P.Nos.19878 to 19882 of 2008 & 870 of 2013

G.K.ILANTHIRAIYAN, J.

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To

The Managing Director,
The Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

W.P.Nos.19878 to 19882 of 2008 &
870 of 2013 of 2009
and
M.P.Nos.1 of 20087 (5 Nos),
1 of 2009 (5 Nos) and
1 of 2013 (2 Nos)

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