



WEB COPY

W.P.No.1329



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 11.12.2023

DELIVERED ON: 22.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13296 of 2010

M.P.No.2 of 2010

Ramachandran
...Petitioner

vs.

1.The Managing Director,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

2.C.A.Balan,
Junior Tr.Man,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

3.F.Joseph Marie Anto,
Junior Tr.Man,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

4.S.Peter,
Junior Tr.Man,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,



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Pondicherry – 13.
5.K.Chandirasekaran,
Junior Tr.Man,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

6.R.Baskaran,
Tr.Man Gr III,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

7.S.Vengadassane,
Tr.Man Gr III,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

8.N.Murugesan,
Tr.Man Gr III,
Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
Kuyavarpalayam Post,
Pondicherry – 13.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pursuant to the memorandum of the respondent No.1 in No.9/PRTC/ADMN/JTM/2008/182 dated 21.03.2008, quash the same and consequently direct the respondent No.1 to finalize the seniority of the petitioner as per rules applicable to the respondent No.1 Corporation.

For Petitioner : Ms.Usha Ramman

For Respondents : Mr.A.R.Nixon for R1
R2 – Not ready in notice
R3 to R8 – No appearance



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ORDER

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The Writ Petition has been filed challenging the memorandum issued by the first respondent in No.9/PRTC/ADMN/JTM/2008/182 dated 21.03.2008, and to direct the first respondent to finalize the seniority of the petitioner as per rules applicable to the first respondent Corporation.

2.Heard, Ms.Usha Ramman, learned Counsel appearing for the petitioner and Mr.A.R.Nixon, learned counsel appearing for first respondent. Despite notice being served to respondents 3 to 8, there was no representation on their behalf either in person or through their counsel. There was no representation on behalf of the second respondent and notice is deemed to have been served upon him.

3.The learned counsel appearing for the petitioner would submit that, the petitioner had joined in the services of the first respondent as a cleaner on 01.03.1993, he continued as a stop-gaper. The services of the petitioner was regularized on 01.01.2000. She would contend that the first respondent had released a tentative seniority list on 29.11.2001 and the same was objected by the petitioner on the ground that one Peter who was a cleaner and junior to the petitioner was listed above him in the seniority list. She would submit that on

08.11.2002 the first respondent had merged the posts of Cleaner and helper



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(workshop) and redesignated them as Junior Tradesman. The objections made by the petitioner were not considered and he was assured by the authorities that on finalizing the seniority list the issue of the petitioner will be considered with top priority.

4.She would further submit that on 29.06.2007 and 04.07.2007 the petitioner made representations to the first respondent and an order of promotion was issued to the petitioner on 06.07.2007 but the grievance of the petitioner is that even in the promotion order the seniority of the petitioner was not properly fixed and his juniors were listed above him. Thereafter on 30.08.2007 the promotion order promoting the petitioner was cancelled and he was reverted to the earlier post of Tradesman Grade-III stating that the petitioner has not submitted I.T.I certificate for which he would contend that he has submitted his certificate but the same was not accepted for the reason that he has not completed the National Exam.

5.She would further submit that even without educational and technical qualification many people were promoted and the petitioner is eligible for promotion on the basis of his seniority. The petitioner has filed W.P.No.29902 of 2007 and this Court directed to consider the representation made by the petitioner. On 21.01.2008 a tentative seniority list was published and called for the objection if any and in that list also the persons who were junior to this



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petitioner were put in the seniority list. For which the petitioner has given his objections vide letter dated 04.02.2008 the same was not considered and the first respondent has issued another seniority list on 21.03.2008, and that list was only pertaining to the post of Junior Tradesman which was also objected by the petitioner by letter dated 11.04.2008.

6.She would further submit that the respondents 2 to 8 were the employees of the first respondent and they were juniors to the petitioner considering their date of joining. She would contend that from 29.11.2001 the first respondent had not finalized the proper seniority list and had totally taken a different stand and had delayed the due promotions to the petitioner without any valid reasons. Therefore the petitioner has filed this Writ Petition to quash the seniority list prepared by the first respondent dated 21.03.2008 and to provide promotion to the petitioner considering his seniority in the services.

7.Countering her arguments the learned counsel appearing for the first respondent would submit that, the petitioner was appointed as a cleaner on stop gap basis on 01.03.1993 and he was regularized in the post of Helper on 01.01.2000. He would contend that when a Tentative Seniority list was issued for the post of cleaner on 29.11.2001 and 21.01.2005 both were objected by the petitioner through his objection letters dated 29.06.2007 and 04.07.2007.

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Further a promotion order was issued on 06.07.2007 without fixing seniority, for



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the same also the petitioner has given his objection dated 08.08.2007.

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8.He would further submit that the promotion from Junior Tradesman to Tradesman Grade-III was given to the petitioner after which it was found that the petitioner had not completed ITI qualification and not submitted the National Trade Certificate. Thereby the order of promotion issued to the petitioner was cancelled and the same was given to one N.Murugesan who was next in the seniority list. Against the cancellation of the promotion the petitioner has filed a W.P.No.29902 of 2007, before this Court and he had given his objection letter and stated that his juniors P.Rajendran, C.A.Balan, F. Joseph Marie Aunto, S.Peter had given promotion and C.A.Balan, Tradesman Gr.II was retired on 30.11.2014.

9.He would further submit that the petitioner had submitted an elaborate objection letter on 04.02.2008 regarding his promotion and Seniority list. Further the first respondent had issued a seniority list on 21.03.2008, for which the petitioner again submitted his objections dated 11.04.2008 and 29.09.2009. He would submit that whenever the first respondent issues the seniority list the petitioner used to file an objection against it but the objections made by the petitioner are without any legal right and the respondent corporation has always considered the seniority and other qualifications of its employees when any promotions are made. Therefore the objections made by the petitioner are



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without any legal right and the Writ Petition is devoid of merits, hence seeks to dismiss the same.

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10.I have heard the submissions on behalf of the respective parties and have perused the materials available on record before this Court.

11.The case of the petitioner is that certain of his juniors had been given promotion by placing them in a seniority above the petitioner. The order impugned in this Writ Petition is a tentative seniority list wherein the objections were called for from the persons who are aggrieved with such tentative list on or before 11.04.2008. It is also admitted by the first respondent that the petitioner had submitted his detailed representation. It is also the case of the first respondent that even to the earlier tentative list, the petitioner had been sending objections. A perusal of the counter does not suggest that any of the objections of the petitioner had been considered and a final seniority list had been released. Further, from the additional documents that had been filed by way of an additional typed set, it could be seen that certain of the employees who did not possess the qualification as contended by the petitioner had been given promotion as Tradesman – Grade II. The said documents had not been disputed by the respondents also.

<https://www.mhc.tn.gov.in/judis> 12.Since no orders have been passed on the representation of the



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petitioner which had been admittedly received by the first respondent on the tentative seniority list, the first respondent is directed to pass appropriate orders on the claim made by the petitioner in his representation to the impugned tentative seniority list within a period of four weeks from the date of receipt of a copy of this order.

13.This direction is issued considering that at the time of filing this Writ Petition, the petitioner was aged 46 and would be at the verge of his superannuation.

14.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.12.2023

Index: Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To
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Pondicherry Road Transport Corporation,
Behind Pondicherry New Bus Stand,
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K.KUMARESH BABU, J.

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