



WEB COPY



W.P.No.2138 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.2138 of 2015

- 1.J.Balakrishnan.
- 2.P.Gopalan.
- 3.S.Yesurajan.
- 4.P.Tamilcheliam.
- 5.K.C.Natarajan.
- 6.K.Sathasivam

...Petitioners.

Vs.

- 1.The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

- 2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the order vide 1/L2/NePe 5014/14/Tha Na A Po Ka/Kovai/2014 dated 04.04.2014 passed by the 1st respondent and quash the same and further direct the respondents herein to remove pay anomalies, abolish artificial distinction between persons drafted from administrative side and other streams like Conductors, Drivers and Security Guards and create separate promotional avenues for them.



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For Petitioners : Mohd.Nazarullah

For Respondents : Mr.A.Sundaravadhanam

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ORDER

The petitioners are total six in numbers. The petitioner Nos.1 to 5 were working as conductors, the 6th petitioner was working as a security guard. The respondent-corporation issued a circular on 01.01.1985. By this circular, it invited applications from its existing employees who had passed typing higher and had cleared SSLC. This advertisement was for recruitment to the post of computer operators.

2. Based on the applications made and the interview conducted, the petitioners were selected as computer operators on various dates. At the time of appointment the petitioners specifically accepted to the following clause:-

"Since you are appointed as a new entrance, you are not eligible to claim the eligibility of past service in the new service and your prior service shall not be connected on any account in the new service."

3. Agreeing to this clause, the petitioners left the post of Conductors and Security Staff and got themselves employed afresh as computer operators. After a lapse of nearly 26 years, they made a claim that they are entitled to the benefit of the same pay that they would have obtained and they



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continued to the post of conductors and Security Staff.

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4. I am unable to agree with the contention of Mr.M.Nazrullah, learned Counsel for the petitioner who reiterated the aforesaid contention. The petitioners had agreed that they are leaving service as of conductors and security staff and that they are joining the service of the respondent afresh as new entrance. They had also agreed to the fact that they do not want the calculation of their previous employment with the petitioner which is about a year and half for the purpose of calculating the benefits in the new post. Having done so, they are not entitled to turn around after a lapse of nearly two decades to make the same claim, I do not find any merit in the writ petition.

4. This writ petition stands dismissed with the above. No costs.

08.06.2023

Index : Yes/No
Speaking : Yes/No
Neutral Citation Case : Yes/No
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V.LAKSHMINARAYANAN,J
nst

To:

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Tamil Nadu State Transport Corporation Ltd.,
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