



W.P.No.18716 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.18716 of 2016

M.Krishnan

.. Petitioner

vs

M/s.Metropolitan Transport Corporation
Rep. By its Managing Director,
Pallavan Salai,
Chennai – 600 002.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to re-designate the petitioner as Junior Engineer with effect from 10.03.1982, the day on which he was appointed as Machine Operator instead of Junior Engineer in terms of his qualification, pursuant to the common service Rule 59(b) and 59(c) and in terms of the order of the High Court dated 12.10.2015 in W.P.(MD).Nos.11076 & 11476 of 2014 and 4479 of 2015.

For Petitioner : Mr.D.Soundarraj

For Respondent : Mr.R.Balaji

ORDER

Writ petition has been filed in the nature of a mandamus seeking a direction to the respondent, Metropolitan Transport Corporation at Chennai, to re-designate the petitioner as Junior Engineer with effect from 10.03.1982, the date he originally joined the respondent in the post of Machine Operator.



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2. The petitioner claims that he should have been appointed as Junior Engineer even on that first initial appointment date since he had the requisite qualification, namely, Diploma in Printing Technology. Thereafter, on 21.01.1986 he was actually designated as Assistant Foreman. He continued to work and finally retired on 30.04.2016 on attaining the age of superannuation. He had never raised this particular grievance right through his service period.

3. One of the aspects raised by learned counsel for the respondent is that the writ petition was filed on 27.04.2016, just about three days prior to the retirement seeking re-designation between the period 10.03.1982 and 21.01.1986 from Machine Operator to Assistant Foreman. It is stated that the post of Assistant Foreman is equivalent to Junior Assistant category.

4. Learned counsel for the respondent raised objections over the considerable period of delay. He stated that the petitioner had continuously worked and had not raised this particular grievance during his service period and just about three days prior to retirement had filed the writ petition seeking such re-designation.



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5. Learned counsel for the petitioner however stated that the when the petitioner was initially appointed, he had the requisite qualification to be appointed as Assistant Foreman. He had actually attended the interview for Assistant Foreman but was appointed as Machine Operator. It was stated that the petitioner had requisite qualification of Diploma in Printing Technology and had that been considered in the first instance itself he would have been directly appointed as Assistant Foreman / Junior Engineer.

6. Learned counsel for the petitioner placed reliance on a common order of this Court in the case of *S.Saint Ravirajan v The Commissioner and Secretary to Government, Transport Department and others* [W.P.Nos. 11076 & 11476 of 2014 and 4479 of 2015 dated 12.10.2015].

6.1 The petitioner therein was a state level volleyball player. He was appointed as Record Clerk on 30.07.1984. At that time he had only passed plus two standard. The issue which was raised was that anybody appointed in sports quota should normally be appointed in the post of Junior Assistant but unfortunately the petitioner therein, had not completed his degree and, therefore,



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could not be appointed as Junior Assistant.

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6.2 During the course of his service, subsequently, the petitioner got itself qualified with a degree and thereafter, sought re-designation from the post of Record Clerk to Junior Assistant.

6.3 The distinguishing factor in that particular case was that the petitioner therein was appointed on the basis of his talent in sports. He was a state level sportsman in Volleyball. The educational qualification was incidental. If he had the educational qualification and he was not the state level player in Volleyball, he would never probably have been appointed in the said post.

6.4 He was considered for appointment only because he was a talented sports person. Thereafter, since he was required for the respondents therein, after he completed his degree which was recognised, the post was re-designated as Junior Assistant. That was the reasoning by the learned Single Judge in that particular writ petition.

7. The facts here are totally distinguishable. The petitioner had the qualification of Diploma in Printing Technology but was posted as Machine Operator. It does not mean that



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everybody can get a post for which they have the necessary educational qualification. A higher qualification would not mean a higher post at the initial stage. The basic qualification is a necessity. The writ petitioner in the case cited was a sports person and, therefore, was considered for appointment but correctly at the post of Record Clerk.

8. The petitioner herein has raised this grievance after considerable period. If he had raised it during the period of his service there would have been an immediate answer to the issue raised by him. But raising it practically three days prior to retirement and pursuing it for a further period of six years, would not help him in any manner. Let him enjoy the peaceful retired life. He had served the respondent for nearly about 35 years. He is at an age where he would be of more assistance to his immediate family and to the next generation, whom he can bring up as a responsible citizen. Let him discharge that particular noble duty but so far as this request is concerned, the Court is not prepared to grant any relief.

9. Writ petition stands dismissed. No costs.

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Index:Yes/No



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Neutral Citation:Yes/No
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C.V.KARTHIKEYAN,J.

ssm

To

The Managing Director,
Metropolitan Transport Corporation
Pallavan Salai,
Chennai – 600 002.

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