



WEB COPY



W.P.No.35330 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35330 of 2012
and M.P.No.1 of 2012

G.Manoranjitham

... Petitioner

Vs.

1. The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Bharathipuram,
Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to re-designate the petitioner to the post of Junior Assistant from the miscellaneous group to the working group with all attendant benefits from the date of passing degree qualification.



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For Petitioners : Mr.R.Venkatesan

For Respondents

For R1 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

For R2 & R3 : Mr.R.Babu

ORDER

This writ petition has been filed to direct the respondents to re-designate the petitioner to the post of Junior Assistant from the miscellaneous group to the working group with all attendant benefits from the date of passing degree qualification.

2. The petitioner was working as Senior Assistant under the third respondent's corporation. Initially she joined as Record Clerk on 09.01.1985 and her service was regularised with effect from 09.01.1985. Most of the juniors in the cadre of Record Clerk/Junior Assistant/ Assistant/superintendent/Officers were transferred to newly formed Annai Sathya Transport Corporation, from 01.04.1987. The petitioner also transferred to the said corporation as Junior Assistant from 01.02.1987.



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3. While being so, third respondent issued circular dated 08.07.1988 and called for the Record Clerk by direct appointment as a fresh entrant as Junior Assistant those who have acquired degree qualification in Arts & Science. The petitioner also applied for the said post and she was issued appropriate scale of pay in the working group under longevity pay scheme. But the second respondent arrived at settlement under Section 18(1) of the Industrial Dispute Act, between 39 Record Clerks and re-designated them as Junior Assistant/Junior Typist on 20.01.1989. However, the petitioner was not considered as such she submitted representation. Since the same was not considered by the respondents, the petitioner filed the present writ petition with the above prayer.

4. Heard the learned counsel appearing on either side and perused the material placed before this Court.

5. On instruction, the learned Additional Government Pleader submitted that in order consider the case of the petitioner, she must have passed the All India National Apprenticeship Certificate examination or



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the examination for Commercial Apprentices, NAC Pattern, conducted by the Institute of Road Transport (IRT). Further, she must have completed a minimum period of two years of qualifying service in the category of Record Clerk from the date of regular appointment as Record Clerk. Therefore, the petitioner was not considered because she had not fulfilled the above requirements. Therefore, the prayer sought for by the petitioner cannot be considered and the writ petition itself devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

26.09.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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