



WEB COPY



W.P.No.13331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13331 of 2023
and
W.M.P.No.13034 of 2023

N.Kannan

...Petitioner

Vs.

1.M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.

2.M/s.State Express Transport Corporation,
Rep. by its Members of the Finance Commission,
No.2, Pallavan Salai, Chennai - 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents to implement the resolution dated 07.03.2023 passed by the 2nd respondent insofar as the petitioner is concerned and consequently direct the 1st respondent to keep one post vacant for the petitioner by considering the representation of the petitioner dated 06.03.2023.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.S.Siva Subramani,
Standing Counsel



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ORDER

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With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. By placing reliance on the letter of the Managing Director of the Transport Corporation, dated 13.02.2006, which states that whenever the Corporation intends to recruit Conductors, preference would be given to him, the petitioner has filed the present Writ Petition seeking for staying the Resolution dated 07.03.2023 passed by the second respondent herein.

3. The Writ Petition cannot be sustained for more than one reason. First of all, the alleged Resolution dated 07.03.2023 is not a Resolution, but only a recommendation of the Finance Committee to the Board for the purpose of passing a Resolution. Secondly, this proposal dated 07.03.2023 is an internal communication and unless the same culminates into an order, the petitioner would not be entitled to challenge the same. Nevertheless, since the Managing Director had already expressed his views that the petitioner would be given preference while appointments to the post of Conductors are made, the petitioner need not apprehend otherwise.



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4. Accordingly, the Writ Petition stands dismissed. In case the respondents act in contravention to the letter dated 13.02.2006, the petitioner would be at liberty to challenge the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2023

Index:Yes/No
Speaking/Non-speaking Order
Neutral Citation:Yes/No
hvk

To

- 1.The Managing Director,
State Express Transport Corporation,
No.2, Pallavan Salai, Chennai - 600 002.
- 2.The Members of the Finance Commission,
State Express Transport Corporation,
No.2, Pallavan Salai, Chennai - 600 002.



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M.S.RAMESH, J.

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