



W.P.(MD).No.14150 of 2014

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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V.Rajamani

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Represented by its General Manager,
Maruthupathi,
Karaikudi.

2.S.Krishnan

3.K.Murugesan

4.V.Sivaji

5.G.Ramasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the action of the first respondent in promoting respondents 2 to 5 as Checking Inspectors from 07.10.2013 as illegal and consequently to direct the first respondent to promote the petitioner as Checking Inspectors with effect from 07.10.2013 and to pay him all consequential benefits.



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For Petitioner : M/s.M.Padmavathy,
For Mr.M.S.S.Sheik Abdullah

For R-1 : Mr.D.Sivaraman,
Standing Counsel.

ORDER

This Writ Petition is filed for Writ of Declaration to declare the action of the first respondent in promoting the respondents 2 to 5 as Checking Inspectors from 07.10.2013 as illegal and consequently direct the first respondent to promote the petitioner as Checking Inspectors with effect from 07.10.2013 with all consequential benefits.

2. The learned counsel appearing for the petitioner submitted that the petitioner was given first review and designated as Senior Conductor on completion of 6 years with effect from 01.08.1991. After completion of 14 years of service, the petitioner was given second review and designated as Selection Grade Conductor with effect from 01.11.1999. After completion of 24 years of service, the petitioner was given third review and designated as Special Grade Conductor with effect from 01.02.2010. After each review, apart



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from giving new designation, the petitioner was also given higher scale of pay.

Even though three time bound upgradations were granted to the petitioner and also given higher scale of pay, the petitioner was still working as a Conductor.

The contention of the petitioner is that he is eligible to be promoted as Checking Inspector. The petitioner is seeking promotion on par with respondents 2 to 5. The respondents 2 to 5 were granted promotion in the year 2013. After considering the petitioner's merit, the petitioner was granted promotion on 15.08.2015. However, the petitioner is seeking promotion in the year 2013 itself.

3. The learned counsel appearing for the first respondent submitted that the petitioner cannot compare himself with the respondents 3, 4 and 5, since they are degree holders. Therefore, this Court is of the considered opinion that the claim of the petitioner against the respondents 3 to 5 is rejected.

4. Now the petitioner is comparing with the second respondent. Both the petitioner and the second respondent are not degree holders and they have completed only SSLC. The learned counsel appearing for the respondents submitted that the second respondent is senior and the petitioner is junior. The



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second respondent was granted third review on 01.02.2009, whereas, the petitioner was granted third review on 01.02.2010 which was subsequent to the second respondent's third review. Therefore, the second respondent is senior than the petitioner. Moreover, if the claim of the petitioner ought to be considered, there are 10 more persons in between the petitioner and the second respondent. Even if the claim of the petitioner is concerned and the second respondent's promotion ought to be cancelled, then the promotion cannot be granted to the petitioner, because there are 10 persons who are in the eligible list. Moreover, the petitioner as well as the second respondent had retired as on date. Therefore, the petitioner cannot challenge the promotion of the second respondent.

5. The learned counsel appearing for the petitioner submitted that the second respondent was also imposed with a punishment. The official respondent has not considered the punishment period. If the punishment period is taken into account, then the second respondent would not be eligible for promotion. But the respondents submitted that any promotion would be granted after taking into account the punishments undergone by the individuals and the same is applicable to the second respondent as well. This specific issue cannot



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be challenged at this point of time in this Writ Petition. The petitioner is at liberty to challenge the same in accordance to law.

6. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

23.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

The General Manager,
The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi,
Karaikudi.



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S.SRIMATHY, J.

Nsr

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