



W.A(MD)No.355 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.355 of 2023

and

C.M.P(MD)No.3895 of 2023

- 1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited.,
Represented by its Managing Director,
Railway Station Road,
Kumbakonam.
 - 2.The Tamil Nadu State Transport Corporation,
Tiruchirappalli Region,
Represented by its Managing Director,
1, Periya Milaguparai,
Tiruchirappalli – 1.
 - 3.The Tamil Nadu State Transport Corporation,
Karaikudi Region,
Represented by its Managing Director,
Karaikudi.
- ... Appellants/Respondents

-VS-

K.Mohanasundaram ... Respondent/Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
made in W.P(MD)No.4799 of 2013, dated 22.12.2021.

For Appellant : Mr.P.Balasubramanian



W.A(MD)No.355 of 2023

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

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Challenge in this writ appeal is to the order of the Writ Court, dated 22.12.2021 made in W.P(MD)No.4799 of 2013.

2. In the said writ petition, the respondent herein as writ petitioner has sought for issuance of a Writ of Certiorarified Mandamus to call for the proceedings of the first respondent, dated 05.08.2008, denying the pay in the promoted post with a condition to place the petitioner as in-charge in the promoted post and consequently, directing the first respondent to rectify the defect in the promotion by treating the writ petitioner as promoted to the post of Security Inspector on permanent basis from 13.09.2008.

3. Admittedly, the respondent/writ petitioner, who joined as Security Guard on 17.01.1980 was promoted as Security Sergeant on 17.05.1995. Claiming that he ought to have been promoted as Security Inspector even in the year 1998 on par with one Balasuramanian, the writ petitioner faulted the appellant Corporation for having kept him as Security Inspector(in-charge) for over four years from 05.09.2008 till the date of his retirement on 21.05.2012. Reliance is also placed by the writ petitioner on the proceedings of the Corporation which allowed the writ petitioner to retire as Security Inspector instead of Security Sergeant. The Corporation



W.A(MD)No.355 of 2023

resisted the claim contending that the writ petitioner was not entitled to promotion. He worked only as in-charge and he cannot claim salary as a Security Inspector. The Writ Court while negating the contention of the Corporation concluded that the very placing the petitioner as Security Inspector(in-charge) was flawed and the writ petitioner ought to have been promoted as Security Inspector even on 13.09.2008. On the said conclusion, the Writ Court directed that the writ petitioner should be treated to have been promoted as Security Inspector from 13.09.2008 and he should have been paid salary. Hence, this appeal.

4. The learned counsel appearing for the appellant would vehemently contend that since the respondent was not actually promoted, he is not entitled to salary as a Security Inspector.

5. The Writ Court had taken into account the fact that the respondent was qualified for the post and the very action of the appellant Corporation in keeping him in the in-charge post is incorrect. The learned Single Judge has also pointed out that once it is found that the respondent is entitled to promotion, he cannot be kept as in-charge and paid lower salary. All that the Court done is to direct payment of salary for the work that has been done. Hence, we do not see any reason to interfere with the conclusions of the Writ Court.



W.A(MD)No.355 of 2023

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6. The Writ Appeal, therefore, fails and it is accordingly, dismissed.

No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

10.04.2023

NCC :Yes/No

Index :Yes/No

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W.A(MD)No.355 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

W.A(MD)No.355 of 2023

10.04.2023