



Writ Petition No.1597 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.1597 of 2015

The Tamil Nadu State Transport Corporation Technical,
Employees Trade Union Federation,
rep. by its President Mr.E.Kumaravel,
(regn.no.1376-TR-1),
No.416, B. Ohm. Nagar, Devanatha Swamy Nagar Extension,
East Pondy Road, Villupuram-607 602. ..Petitioner

vs.

1.The Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009

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

3.The Managing Director,
State Express Transport Corporation,
Pallavan Salai, Chennai-600 002

4.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division, Kumbakonam.



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5. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Divisions I, II & III, Villupuram.

6. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Division, Tirunelveli.

7. The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division, Salem.

8. The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Divisions I & II, Madurai.

9. The Managing Director,
Tamil Nadu State Transport Corporation,
No.37, Mettupalayam, Coimbatore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 10.01.2014 to follow strictly the procedure already decided as per the provisions under Section 12(3) Settlement of the year 2010 and as per the Common Service Rules that 50% of the vacancies in the higher post should be given priority to Foreman Post and till such time, the interview proposed to be conducted to be stopped and fresh interview to be conducted for allotting the Foreman post to the diploma holders on the basis of seniority within time frame.



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For Petitioner : Mr.R.Y.George Williams
For Respondents : Mr.S.Ravikumar, SGP for R1
Mr.R.Balaji for R2
Mr.S.Sivakumar for R3
Mr.S.Sathya Gandhi for R4
Mr.M.Aswin for R5
Mr.R.Babu for RR6, 7 & 8
Mr.S.Sairaman for R9

ORDER

The petitioner is the Employee of State Transport Corporation Villupuram Ltd. The pay and allowances and other service conditions of the employee are being revised once in three years as per the settlement arrived at under Section 12(3) of the Industrial Disputes Act. As per 12(3) settlement arrived at in the year 2010, the procedure to be followed in filling up the vacancies in the supervisory cadre, by the candidate those who posses Diploma Certificates and those candidate who are not diploma holder, has been clearly settled. According to which, 50% of the vacancies have to filled up with Diploma holders and 50% have to be filled up with the candidates who are not Diploma holders.



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2. While so, the said procedure has not been followed by the 5th respondent Corporation, and all the posts of Foreman are being filled with the diploma holders, only by which, the non-diploma holders have lost their chances of getting promotion in the post of Foreman and all the vacancies are filled up only by the Diploma holders. Aggrieved by the same, ventilating their grievance, the petitioner made a representation on 10.1.2014 to the respondents, which evoked no response. Hence the Writ Petition.

3.Today, when the matter is taken up for hearing, it is submitted on behalf of respondents 2 to 9 that if some time is granted, the representation of the petitioner Union will be considered and dispose of by following the procedure.

4.Heard both sides and perused the records.

5.Accordingly, keeping aside the issue raised by the petitioner, since this writ petition is to issue mandamus to dispose the representation, this writ petition is disposed of directing the respondents to consider the



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representation of the petitioner dated 10.01.2014 and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of this order. No costs.

09.01.2024

Index : Yes/No

Speaking order: Yes/No
dn

To

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