



WP.Nos.26523 of 2009, 12471 of 2010 & 5027 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos. 26523 of 2009, 12471 of 2010 & 5027 of 2012

W.P.No. 26523 of 2009

- 1.R.Kandaswamy
- 2.P.Lakshmiraj
- 3.V.Palaniswamy
- 4.A.Xavier William
- 5.A.Shanmugam
- 6.R.Muniappan
- 7.K.V.Rajenthiran
- 8.E.V.Nagarajan
- 9.S.AJaleel
- 10.M.Ramaswamy
- 11.E.Navaneethakrishnan

...Petitioners

vs.

- 1.The Tamiladu State Transport Corporation (Coimbatore) Ltd.,
Rep., by its Managing Director,
37, Mettupalayam Road,
Coimbatore -642 043.



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- 2.R.Ramasamy
3.N.Sundaram
4.R.Boopathy,
5.C.Karthikeyan
6.R.R.Subramaniam,
7. K.Marimuthu
8.C.Sivakumar
9.S.Radhakrishnan,
10.M.Arumugam,
11. A.Arulnathan,
12.K.Mahalingam
13.D.Sigamani,
14.N.Manokaran,
15.S.Natarajan
16.S.Balakrishnasamy,
17. M.Sabeela,
18.T.N. Chandran,
19. M. Krishnasamy,

...Respondents

W.P.No.12471 of 2010

S.K.Sivasamy

...Petitioner

vs.

- 1.The Tamiladu State Transport Corporation (Coimbatore) Ltd.,
Rep., by its Managing Director,
37, Mettupalayam Road,
Coimbatore -642 043.



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12.K.Mahalingam
13.D.Sigamani,
14.N.Manokaran,
15.S.Natarajan
16.S.Balakrishnasamy,
17. M.Sabeela,
18.T.N. Chandran,
19. M. Krishnasamy,

...Respondents

W.P.No.5027 of 2012

V.Palaniswamy

...Petitioners

Vs.

- 1.The Secretary,
Transport Department,
Secretariat,
Fort St. George,
Chennai- 600 009.



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2.The TamilNadu State Transport Corporation (Coimbatore) Ltd.,

Rep., by its Managing Director,

37, Mettupalayam Road,

Coimbatore -642 043.

3.R.Govindaraj

4.R.Jayaraj

5.J.Velumani

6.M.Balakrishnakumar

7. A.Sundaram

8. A.Dharmalingam

9.S.John Maria Josap

10.M.Shanmugam

11.B.Tamilarasi

12.D.Ravindran

13.T.Sakthivel

14.S.Ramanathan

15.S.Shanmugam

16.T.R.Thiruvankadam

17.A.Manokaran

18.K.Rangasamy

19.V.K.Namachivayam

20. S.Sathasivam

21.K.Sundaram

22.P.Veerappan

23.V.A.Sethumani



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24.S.Inbarai

25.P.Geethadevi

26.A.Shanmugasundaram

27.T.Mohanasundaram

28.K.Nataraj

29.M.Karuppusamy

30.Ramanathan

..Respondents

PRAYER in W.P.Nos.26523 of 2009: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified mandamus, directing to call for records of the 1st respondent culminating in the impugned order Ref.No.4187/E02/PD-II/TNSTC (CBE)/2009 dated 30.11.2009 and quash the same and directing the respondent to promote the petitioners herein to the post of Superintendent as per the seniority list and as per the rules laid down in the common service Rules and as per the letter of respondent.

PRAYER in W.P.No.12471 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified mandamus, directing to call for records of the 1st respondent culminating in the impugned order Ref.No.4187/E02/PD-II/TNSTC (CBE)/2009 dated 30.11.2009 and quash the same and directing the 1st respondent to promote the petitioner herein to the post of Superintendent as per the seniority list and as per the rules laid down in the common service Rules and as per the letter of respondent.



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PRAYER in W.P.No.5027 of 2012 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified mandamus, directing to call for records of the 2nd respondent pursuant to the proceedings vide SPL/E02/PD-II/TNSTC(CBE)/2012 dated 14.02.2012 and quash the same and directing the 1st and 2nd respondent to promote the petitioner herein to the post of Superintendent as per the seniority and as per the rule laid down in the common Service Rules.

For Petitioner in both W.Ps: M/s.G.Ponnambalathiyagarajan

For Respondents in : Mr.S.Logesh for R1
W.P.Nos.26523 of 2009
and 12471 of 2009
For Respondents in

W.P.No.5027 of 2012 : Ms.R.C.Karthika,
Government Advocate, for R1
Mr.S.Logesh, for R2

COMMON ORDER

The petitioners in these three writ petitions were initially appointed as conductors in the erstwhile Cheran Transport Coporation Limited, Coimbatore. Thereafter, the petitioners opted for Administrative



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service and accordingly, they were appointed in the Administrative side as Clerk. Thereafter, in terms of the relevant service Rules the petitioners were considered for further upward progression in the career as Clerk, Senior Clerk, Assistant and Senior Assistant over a period of time. While the petitioners were working as Senior Assistants certain others who reached the cadre of Senior Assistant from other source of recruitment i.e., the persons who were initially appointed as Junior Assistants and then promoted to the post of Assistant and Senior Assistant and Selection Grade Senior Assistant were promoted to the post of Superintendent through the impugned proceedings dated 04.02.2012.

2.It is aggrieved by the said proceedings, dated 04.02.2012 the petitioners approached this Court by filing these writ petitions contending that the persons who were given the benefit of promotion through the impugned proceedings i.e., the respondents 3 to 30 are Juniors to the Petitioners in the cadre of Senior Assistant, but the respondents, ignoring the claim of the petitioners, promoted the private respondents to the post of superintendent. In support of their said contention to claim seniority over the private respondents, the learned



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counsel for the petitioners placed reliance of the settlement dated 02.08.2008 entered into between the Tamil Nadu State Transport Corporation and the Employees Union. It is further contended that in terms of the said settlement various categories existing in the respondent/Corporation were re-categorized and their pay scales were fixed accordingly by changing their categories from Clerk, Senior Clerk, Assistant and Senior Assistant to Admin/I-VI by taking into consideration the experience and length of service rendered by the employees in the respondent/Corporation. Except the said contention, there is no other argument that is advanced to claim seniority over private respondents.

3.This Court has carefully considered the said settlement dated 02.08.2008 and convinced that the settlement is only with regard to revision of pay scale and refixation of pay in various categories but the same has nothing to do with changing the categories or reorganizing the categories existing in the respondent Corporation, thereby fixing intense seniority.



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4.Deciding the seniority, basing upon the pay refixation of the respective categories of employees is unknown to law. The seniority in a particular cadre is to be considered by taking into the service rendered by respective employees in the said cadre and with reference to the date on which they were appointed in the particular cadre but not basing upon the pay scale that is being drawn by the respective employees. Hence, taking into consideration, the settlement dated 02.08.2008 for the purpose of considering the petitioners as seniors to the private respondents does not arise. Except the said settlement dated 02.08.2008 there is no other material that is brought to the notice of this Court, in support of the case of the petitioners to claim seniority over the private respondents.

5.In the circumstances this Court is unable to accept the contentions of the learned counsel for the petitioners to treat the petitioners as seniors basing on the settlement dated 02.08.2008 and the pay scales that are being drawn by the petitioners and private respondents and for determining the inter se seniority among them. In the absence of any material to show that the petitioners herein are



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seniors to the private respondents, this Court is not inclined with to interfere the impugned orders of promotion granted in favour of the private respondents.

6.In the light of the above this Court does not find any merit in these writ petitions. Accordingly, these writ petitions stand dismissed. No costs.

11.09.2024

vsn

Index:Yes/No

Speaking/Yes/No

Neutral case citation: Yes/No

MUMMINENI SUDHEER KUMAR,J.



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