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W.P.No.21675 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.21675 of 2012
and
M.P.Nos.2 and 3 of 2013

M.Muniaraj

... Petitioner

Vs.

1. The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
No.2, Pallavan Salai, Chennai - 2.

2. The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
No.2, Pallavan Salai, Chennai - 2.

3. P.Ravi

4. P.Nallan

5. R.Mani

6. A.Murugesan

7. S.Kumaradadivelan

8. M.Thavamani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent of the impugned order in Order No.09/ 019510/ HR6/ SETCTN/2007 dated 03.07.2012 issued by the 1st respondent and quash the same, in so far as the respondents 3 to 8 are concerned and direct the respondents to give promotion to the petitioner to the post of Assistant Manager (Technical) in accordance with law by reckoning eligible persons for promotion based on service seniority in the post of Assistant Engineer (Feeder Category) with all consequential and all other attendant benefits including monetary benefits with



arrears of salary within a time framed to be fixed by this Honourable Court.

For Petitioner

: Mr.G.Shankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

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For R1 & R2

: Mr.L.S.M.Hasan Fizal

For R3 to R8

: No appearance

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus, to call for the records relating to the impugned order bearing Order No.09/019510/HR6/SETCTN/2007 dated 03.07.2012, whereby the Respondents 3 to 8 were promoted to the post of 'Assistant Manager (Technical)'.

2. In spite of service of notice, no appearance entered on behalf of the Respondents 3 to 8.

3. Though, challenge is made to the promotion of all the private respondents i.e., Respondents 3 to 8, the learned Senior Counsel, Mr.G.Shankaran, during the course of the arguments, confined the contest only against the promotions given in favour of the Respondents 3 and 4 on the ground that the Respondents 3 and 4 does not possess the qualifications, as prescribed under the relevant Rules.



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4. According to learned Senior Counsel, in order to be eligible for promotion to the post of 'Assistant Manager (Technical)', one must possess the degree in First Class in Automobile Engineering or Mechanical Engineering awarded by recognized University. The Respondent No.3 is possessing a degree in Electrical and Electronics Engineering, but not in Automobile or Mechanical Engineering and the Respondent No.4 is not having First Class Degree in Automobile Engineering, whereas the prescribed qualification is First Class in Automobile Engineering. Thus, the contest is made against the promotions given in favour of the Respondents 3 and 4.

5. Further, a perusal of the relevant Rules prescribing the qualifications for the post of 'Assistant Manager (Technical)' shows that, it is not only the degree in First Class in Automobile Engineering or Mechanical Engineering is treated as a basic qualification, but any other qualification recognized as equal to B.E (Mechanical Engineering) or B.E (Electrical and Electronics Engineering) by the Government of Tamil Nadu is also treated as an equivalent qualification.

6. From the averments made in the affidavit filed in support of this Writ Petition, it is noticed that the Respondent No.3 is possessing the qualification of



degree in B.E (Electrical and Electronics Engineering). Whether the said degree possessed by the Respondent No.3 is equivalent to B.E (Mechanical Engineering) or B.E (Electrical and Electronics Engineering) recognized by the Government of Tamil Nadu or not is not clear.

7. In the light of the above, this Court is of the considered view that instead of this court examining the matter on merits, it would be appropriate to permit the petitioner to make a representation before the Respondent No.1, bringing to his notice about the contention of the petitioner by submitting a representation and in case, if any such representation is filed within a period of two weeks from today, the Respondent No.1 is directed to review the promotions of Respondents 3 and 4 made through the impugned proceedings and pass appropriate orders thereon by duly taking into consideration the qualifications prescribed under the relevant Rules and pass orders thereon in accordance with law within a further period of four weeks thereafter by duly putting all the affected parties on notice, including the respondents 3 and 4.

8. At this stage, it is brought to the notice of this Court that the petitioner has already retired from service on attaining the age of superannuation, but his terminal benefits have not been settled. If that be the case, irrespective of the



pendancy of this writ petition or pendency of the representation, the respondents shall take appropriate steps for settling the terminal benefits of the petitioner.

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9. Accordingly, the writ petition is disposed of. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

19.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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