



WA(MD). No.921 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/07/2024

CORAM

**Justice N.SESHASAYEE
and
Justice P.VADAMALAI**

**WA(MD). No.921 of 2020
and
C.M.P(MD)No.5027 of 2020**

1.The Managing Director,
The Tamil Nadu State Transport Corporation
(Salem Division II) Limited,
12, Ramakrishna Road,
Salem.

2.The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam – 612 001.

... Appellants/Respondents 3 and 4

Vs

1.A.Arumugam ... 1st respondent/Petitioner

2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 600 009.

... 2nd respondent/1st respondent



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3. The Convener,
Career Planning Committee
Tamil Nadu State Transport Corporation
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

... Respondent No.3/Respondent No.2

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 13.02.2020 in WP(MD) No.8427 of 2019.

For Appellants : Mr.K.Ramaiah
For Respondents : Mr.VR.Shanmuganathan
Mr.A.Baskaran,
Additional Government Pleader for R2
Mr.S.C.Herold Singh for R3

JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE, J.)

This writ appeal is directed by the respondents 3 and 4 in W.P(MD)No.8427 of 2019 challenging the order of a learned Single Judge, dated 13.02.2020.

2. Challenging the very same order, the State preferred W.A(MD)No.862 of 2020. This Court dismisses the said writ appeal today. Paragraph Nos.3 to 6 the said judgment read as below:



3. *Heard both sides. It was argued on behalf of the appellant that there are other set of facts that involve the validity of G.O.(Ms)No.196 Transport (D) Department, dated 10.08.2017 and hence, the first respondent's case should not be considered. At any rate, the first respondent still could not be granted any benefit in view of G.O.(D)No. 107 Transport(D) Department dated 05.07.2006, which prescribes procedure for promotion.*

4. *G.O.Ms.No.107 dated 05.07.2006 cannot come in the way for two reasons:*

- a) That the first respondent has become entitled to be considered for promotion as a Selection Grade Assistant Manager at least five years prior to the date on which the Government came out with G.O.Ms.No.107 dated 05.07.2006 and the Government order can never be given retrospective effect;*
- b) This Court is informed that notwithstanding G.O.Ms.No.107 dated 05.07.2006, no promotion was ever made based on the same.*

5. *The learned counsel for the first respondent submitted that the first respondent is due to retire on 31.07.2024. Therefore, the appellant is required to work out all his pensionary benefits, based on the present judgment and pay them to him, as and when he superannuates, at any rate, not*



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later than eight weeks after his superannuation. This direction will apply only for calculating his arrears of salary based on any notional promotion that he may have to be given and also for determining his pension and will not be applicable to payment of his EPF as well as gratuity.

6. In view of this, this writ appeal is dismissed.”

3. In view of the same, this writ appeal is dismissed. No Costs.
Consequently, connected Miscellaneous Petition is closed.

**(N.S.S.,J.) (P.V.M.,J.)
18.07.2024**

NCC : Yes/No
Index : Yes/No

RR/PM

To
The Principal Secretary to Government
Transport Department
Fort St. George
Chennai.



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**N.SESHASAYEE, J.
and
P.VADAMALAI, J.**

PM

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