



WA(MD). No.1671 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 16/04/2024

CORAM

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P.VADAMALAI

WA(MD). Nos.1671 to 1673 of 2018
CMP(MD) No.12256 to 12258 of 2018

The Principal Secretary and
Additional Chief Secretary to Government
Government of Tamilnadu
Transport (D) Department
Fort St. George,
Chennai 600 009.

... Appellant in
all appeals

Vs

B.Selva Gomathi Kumar

... Respondent in
WA(MD) No.1671/2018

P.Poliah

... Respondent in
WA(MD) No.1672/2018

R.Muthukrishnan

... Respondent in
WA(MD) No.1673/2018

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent
against the order dated 21.03.2018 in WP(MD) Nos.15773/2017,
17321/2017 and 17444/2017.



WA(MD). No.1671 of 2018

For Appellant : M/s.N.Muthu Vijayan
Special Government Pleader
For Respondents : Mr.T.Chandrasekaran

COMMON JUDGMENT

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

The respondents in each of these appeals were working as Senior Assistant Managers in the transport corporation. Due to stagnation in the post of Assistant Managers, the Government came out with G.O.Ms.No. 761 Transport (committee) department dated 30.04.1993, in which it has underscored that those Assistant Managers who had served for a minimum period of six years, would be posted as Senior Deputy Managers. It was also underscored in that order that this post is convertible vis-a-vis the Deputy Managers. While so, the Government came out with G.O.Ms.No.196 Transport (D) Department dated 10.08.2017, presumably based an order of this Court in WA Nos.1/2017 and 105/2017 dated 13.03.2017 and had informed that a senior Grade Assistant Manger cannot be equated with Deputy Managers, but can be considered for promotion to the post of Deputy Manager post on their



WA(MD). No.1671 of 2018

seniority. This G.O.No.196 came to be challenged before the learned Single Judge in W.P.Nos.15773/2017, 17321/2017 and 17444/2017.

2. The learned Single Judge referred to the earlier G.O., governing the area, namely, G.O.Ms.No.761 and found that inasmuch as G.O.No.761 provided for convertible of Senior Grade Assistant Managers, Deputy Managers, the G.O., under challenge cannot be sustained and accordingly, quashed the same. This order of the learned Single Judge is now under challenge in this batch of cases at the instance of the respondents therein.

3. The learned Special Government Pleader submitted that the respondent in WA(MD) No.1673/2018 (R.Muthukrishnan) and WA(MD) No. 1671/2018 (B.Selvagomathi) have since been promoted to the post of Managing Directors and have also superannuated. This Court is also informed that after superannuation, Selvagomathi has passed away, which incidentally need not halt this Court from proceeding with the case. So far as the respondent in WA(MD) No.1672/2018, he had been promoted as General Manager and he too had superannuated. The learned



WA(MD). No.1671 of 2018

Special Government Pleader made a fair statement that today nothing survives for consideration. The said submission of the learned Special Government Pleader is recorded and all the writ appeals are closed. No costs. Consequently connected Miscellaneous Petitions are closed.

**(N.S.S.,J.) (P.V.M.,J.)
16.04.2024**

RR
TO
The Principal Secretary and
Additional Chief Secretary to Government
Government of Tamilnadu
Transport (D) Department
Fort St. George,
Chennai 600 009.



WEB COPY



WA(MD). No.1671 of 2018

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

RR

WA(MD). Nos.1671 to 1673 of 2018

16.04.2024