



W.P.(MD)No.19671 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19671 of 2018

Christopher

... Petitioner

Vs.

1.The General Manager,
Nagercoil Region,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil,
Kanyakumar District.

2.The Tamil Nadu State Transport Corporation (Tirunelveli)
Limited,
Kattabomman Nagar,
Tirunelveli-I, represented by its
Managing Director.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent in Letter No. 2154/legal2/TNSTC/NGL/2018 dated 28.07.2018 and to quash the same and consequently direct the respondents to give notional promotion to the petitioner to the post of Junior Engineer with effect from the date when it was due and consequentially to pay the amount due to him and to revise his retirement and pensioner benefits accordingly.



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For Petitioner : Mr.V.Kannan
For R-1 & R-2 : Mr.K.Sathiya Singh,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 28.07.2018 passed by the first respondent and, consequently to direct the respondents to give notional promotion to the petitioner to the post of Junior Engineer with effect from the date when it was due and consequently to pay the amount due to him and to revise his retirement and pensionary benefits accordingly.

2. The learned counsel appearing for the petitioner would now submit on instructions that the petitioner does not want to disturb the services of his juniors as Foreman and that he will be satisfied, if the petitioner's request for notional promotion to the post of Foreman is considered by the respondents 1 and 2, on merits and in accordance with law within a time frame to be fixed by this Court.



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3. The learned counsel appearing for the petitioner also relied upon a judgment of the Division Bench of this Court dated 24.01.2017 passed in WA(MD)No.1279 of 2013 in the case of ***The General Manager, Tamilnadu State Transport Corporation, Nagercoil, and Another vs. M.Ayyadurai and Others***, which according to him is a similar issue dealt with by the Division Bench of this Court. However, the same is disputed by the learned standing counsel appearing for the respondent Transport Corporation.

4. No prejudice will be caused to the respondents, if the official respondents are directed to consider the petitioner's request for being promoted to the post of Foreman, after giving due consideration to the judgment of the Division Bench of this Court dated 24.01.2017 passed in WA(MD)No.1279 of 2013 referred to supra and if the said decision is applicable to the case of the petitioner, consider the petitioner's request for being notionally promoted to the post of Foreman.

5. This Court is not rendering any opinion with regard to the applicability of the decision relied upon by the learned counsel appearing for the petitioner, namely decision rendered by the Division Bench of this Court dated 24.01.2017 in WA(MD)No.1279 of 2013 referred to supra. It is for the



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respondents to consider the same and decide as to whether the same is applicable to the petitioner or not.

6. Accordingly, this writ petition is disposed of without interfering with the impugned order, but directing the official respondents to consider the petitioner's request for being promoted to the post of Foreman, after giving due consideration to the judgment of the Division Bench of this Court dated 24.01.2017 passed in WA(MD)No.1279 of 2013 in the case of ***The General Manager, Tamilnadu State Transport Corporation, Nagercoil, and Another vs. M.Ayyadurai and Others***, and decide as to whether the said decision is applicable to the case of the petitioner and if found to be applicable, consider the request of the petitioner for being notionally promoted to the post of Foreman, from the date when it became due for his promotion, within a period of three months from the date of receipt of a copy of this order. No costs.

21.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

- 1.The General Manager,
Nagercoil Region,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Nagercoil,
Kanyakumar District.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli)
Limited,
Kattabomman Nagar,
Tirunelveli-I.



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ABDUL QUDDHOSE, J.

TSG

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