



W.P.(MD)No.15732 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.15732 of 2017

and

W.M.P.(MD)Nos.12442 & 12443 of 2017

L.Rajalingam

... Petitioner

/Vs./

1.The General Manager,
Nagercoil Region,
The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil, Kanyakumari District.

2.The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar,
Tirunelveli-11,
Represented by its Managing Director.

3.R.Venkatasubramanian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus to call for the records relating to the proceedings of the first respondent in proceedings No.5640/A3/TNSTC/NGL/2008 dated 08.08.2017 and to quash the same and consequently direct the respondents 1 & 2 to promote the petitioner to the post of junior engineer.



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For Petitioner : Mr.V.Kannan
For Respondents : Mr.K.Sathiya Singh (R1 & R2)
Standing Counsel
No appearance (R3)

ORDER

This writ petition has been filed challenging the impugned order dated 08.08.2017 appointing the third respondent to the post of Foreman erroneously on the ground that the third respondent had passed Diploma examination prior to that of the petitioner. As according to him, the same should not have been considered and the year of appointment of the petitioner to the post of Tradesman was considered. The petitioner is senior to that of the third respondent and he ought to have been appointed as Foreman instead of the third respondent.

2. The learned counsel appearing for the petitioner would now submit on instructions that the petitioner does not want to disturb the services of the third respondent as Foreman and that he will be satisfied, if the petitioner's request for promotion to the post of Foreman is



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considered by the respondents 1 and 2, on merits and in accordance with law within a time frame to be fixed by this Court.

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 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 promoted to the post of Foreman.



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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 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 promoted to the post of Foreman, from the date when it became due for his promotion, within a period of three months from



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the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2024

Index : Yes / No
NCC : Yes / No
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TO:

- 1.The General Manager,
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Nagercoil, Kanyakumari District.
- 2.The Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
Kattabomman Nagar,
Tirunelveli-11,



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.15732 of 2017

Dated:
04.09.2024