



WEB COPY

W.P.(MD) No.16530 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.16530 of 2017

K.Thirugnanasambandan

... Petitioner

-VS-

1.The Principal Secretary to Government
Transport Department
Government of Tamil Nadu – cum –
Ex-Officio Chairman
All Tamil Nadu State Transport
Corporations Limited
Fort St.George, Chennai-600 009

2.The Managing Director
Tamil Nadu State Transport Corporation
Madurai Limited, Legal Department
Bye-pass Road, Madurai District

3.The Deputy Manager
(Legal and Administration) – cum –
Public Information Officer
Tamil Nadu State Transport Corporations
(MDU) Limited
Corporate Office, Bye Pass Road
Madurai

... Respondents



WEB COPY

W.P.(MD) No.16530 of 2017

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned office order passed by the second respondent in Ref:Corp-Legal / W.P.(MD) No.2774/2017 dated 23.03.2017, quash the same and direct the respondents to promote the petitioner to the post of Deputy Manager (Legal) retrospectively from 29.10.2014 onwards and pay all attendant and monetary benefits.

For Petitioner : Mr.K.Gokul

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1
Mr.S.Ramachandra Pradeep
Standing Counsel for R2 & R3

ORDER

This writ petition has been filed challenging the impugned order, dated 23.03.2017, passed by the second respondent, rejecting the petitioner's request to promote him to the post of Deputy Manager (Legal) retrospectively from 29.10.2014 onwards.



W.P.(MD) No.16530 of 2017

WEB COPY

2. As seen from the impugned order dated 23.03.2017, the petitioner's request has been rejected, on the ground that he is not eligible to be promoted to the post of Deputy Manager (Legal), as he has not completed seven years of service in the post of Assistant Manager. The respondents have relied upon a Letter No.42228/BPE/2003, Finance (BPE) Department, dated 15.09.2003, to substantiate their contention. The respondents have also, in the impugned order, disclosed various punishments imposed on the petitioner in the disciplinary proceedings initiated against him. They have also stated that the misconduct committed by the petitioner is highly serious in nature. They have also stated that Thiru.K.Muthupandi, Assistant Manager, whose promotion is the bone of contention of the petitioner in this writ petition, was promoted on 29.10.2003 itself, whereas the petitioner was promoted only on 28.10.2006. They have categorically contended that Thiru.K.Muthupandi is senior to that of the petitioner. Similarly, they have stated that Thiru.P.Marirajan joined the respondent – Transport Corporation on 25.11.2006 as Section Officer and at the time of his joining, the petitioner was in the post of Senior Superintendent only. Similarly, Thiru.A.Ravichandran joined the respondent – Transport Corporation on 16.02.2011 and at the time of his joining, the petitioner was only in the post of Senior Superintendent.



W.P.(MD) No.16530 of 2017

WEB COPY

These two Section Officers, namely, Thiru.P.Marirajan and Thiru.A.Ravichandran were promoted as Assistant Managers on 15.12.2011 i.e., on the date of promotion of the petitioner as Assistant Manager. It is also stated in the impugned order that discretion is exercised under the special circumstances and in the rarest of rare cases warranting reduction of the required number of years in the feeder category post of Assistant Manager for the promotion to the post of Deputy Manager and the said discretion cannot be exercised for the petitioner, as he does not deserve for the same due to his past misconduct.

3. Even though the petitioner claims that he is entitled to be promoted to the post of Deputy Manager (Legal) while he was in service, he has not produced any evidence for the same. On the other hand, a Letter No. 42228/BPE/2003, Finance (BPE) Department, dated 15.09.2003, which is reflected in the impugned order, makes it clear that the person seeking promotion from the post of Assistant Manager to Deputy Manager must have completed seven years of service in the post of Assistant Manager. Admittedly, the petitioner had completed only five years and three months of service in the post of Assistant Manager.



W.P.(MD) No.16530 of 2017

WEB COPY

4. In the impugned order, various disciplinary proceedings initiated against the petitioner and the punishments imposed on him are also reflected. As seen from the same, the petitioner was involved in 23 charges and punishments were also imposed on him in respect of those charges. The respondents have also stated that due to the misconduct of the petitioner, discretion was also not exercised in his favour for reducing the required number of years in the feeder category post of Assistant Manager for promotion to the post of Deputy Manager.

5. Learned counsel for the petitioner drew the attention of this Court to an order, dated 31.01.2022, passed by this Court in the case of **A.K.Thangavelu vs. State of Tamil Nadu and others** in W.P.(MD) No.7011 of 2013, to support the case of the petitioner. But, the said decision has no applicability to the facts of the instant case, as that was the case involving promotion to the post of Assistant Manager and was not a case involving promotion to the post of Deputy Manager, which is the subject matter in this writ petition.



W.P.(MD) No.16530 of 2017

WEB COPY

6. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Principal Secretary to Government,
Transport Department,
Government of Tamil Nadu – cum –
Ex-Officio Chairman,
All Tamil Nadu State Transport
Corporations Limited,
Fort St.George, Chennai-600 009.



WEB COPY



W.P.(MD) No.16530 of 2017

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.16530 of 2017

19.09.2024