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WP No. 24423 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

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THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 24423 of 2018

and W.M.P.Nos.28463, 28462 of 2018 & 27387 & 6639 of 2019

1. A.Vanajamuniyan
S/o.Late. Ayyakannu, No.5, Thillai
Nagar, Bhuvanagiri and Taluk,
Cuddalore District.

Petitioner(s)

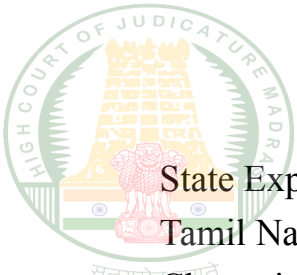
Vs

1. Chairman cum Secretary to the
Govt., Transport Department, 4th Floor,
Secretariat, Chennai - 9

2.The Manaing Director (I/C)
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

3.The General Manager
State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

4.R.Ponmudi
S/o.Ramasamy, The General Manager,



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State Express Transport Corporation
Tamil Nadu Ltd., Pallavan Salai,
Chennai - 600 002

5.The Branch Manager
State Express Transport Corporation
Tamil Nadu Ltd., Maraimalai Adigal
Salai, Puducherry - 1

6.S.Srinivasan
S/o.Selvaraj, Branch Manager (I/C),
State Express Transport Corporation
Tamil Nadu Ltd., Maraimalai Adigal
Salai, Puducherry - 1

7.V.Duraikannu
EDP No.7546, State Express Transport
Corporation TN Ltd., Karaikudi Depot

8.V.Harikumar
EDP No.94CR003, State Express
Transport Corporation TN Ltd.,
Trivandrum Depot

9.M.Manoharan,
EDP No.6402, State Express Transport
Corporation TN Ltd., Maraimalai
Adigal Salai, Puducherry - 1

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Certiorari mandamus calling for all relevant records of impugned Panel for Promotion to the cadre of Checking Inspector issued in



Circular No. 00141-2/HR3/SETC/2014 dated 16.07.2018 issued by the 2nd Respondent, quash the order in respect of Serial Number 18 to 20 (Respondent

7 to 9) alone and consequently direct the 2nd and 3rd Respondents to notionally promote the Petitioner to the post of Checking Inspector / Time Keeper under respects 1 to 6 with all other consequential monetary and service benefits as per his seniority.

(PRAYER AMENDED AS PER ORDER DT 2/3/2020 MADE IN WMP.25512/2019 IN WP.24423/2018 BY VPNJ)

For Petitioner : Mr.B.K.Girish Neelakandan

For Respondent(s): Mrs.S.Anitha
Special Government Pleader
For R1
M/s.L.S.M.Hasan Fizal,For R2
And R3

ORDER

The writ petition has been filed to call for all relevant records of impugned Panel for Promotion to the cadre of Checking Inspector issued in Circular No. 00141-2/HR3/SETC/2014 dated 16.07.2018 by the 2nd Respondent, quash the order in respect of Serial Number 18 to 20 (Respondent 7 to 9) alone and consequently direct the 2nd and 3rd Respondents to notionally promote the Petitioner to the post of Checking Inspector / Time Keeper under respects 1 to 6 with all other consequential monetary and service benefits as per his seniority.



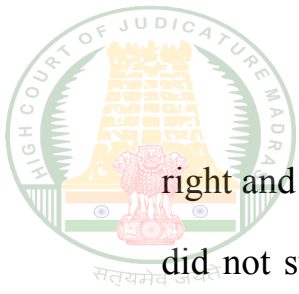
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2. The petitioner has been working as a Senior Conductor in the second respondent Corporation. As per the Seniority List released during February, 2018, he was kept at position No.8. The petitioner has raised objection and his objections were considered and the seniority list was revised and in the revised seniority list the petitioner has been kept in at position No.7. Thereafter, when the panel for promotion to the next level post of Checking Inspector was prepared on 16.07.2018, the petitioner's name was not included but the person junior to the petitioner has been included in the panel. The petitioner has attained the age of superannuation on 31.05.2019.

3. The petitioner gave a representation to the first respondent seeking that he should be given with the notional promotion on par with his junior but that was not considered. The petitioner was given to understand that the junior person by name Manoharan has been included in the panel because he has attained the third review before the petitioner's acceptance.

4. Mr.B.K.Girish Neelakandan, the learned counsel for the petitioner, submitted that the petitioner had accepted the review on 01.02.2017 and his junior Manoharan had accepted the review on 01.05.2017 and hence that cannot make any difference in his seniority going below to Manoharan.

5. Mr.L.S.M.Hasan Fizal, the learned counsel for the respondents 2 and 3, submitted that the entitlement to include the promotional panel is not a matter of



right and that can be done only if the petitioner's services are satisfactory and he did not suffer any punishment during the relevant point of time. Even if he is included in the promotion panel that will not guarantee the petitioner any promotion.

6. However, the respondents ought to have given a reply stating why the petitioner's seniority has not been taken into consideration to the next level promotion of "Checking Inspector" despite his junior has been promoted to the said post.

7. The learned counsel for the petitioner submitted that the petitioner has been included in the panel made on 19.02.2019 prepared for promotion and even then he was not given with any promotion before his attaining the age of superannuation. It is submitted by the learned counsel for the petitioner that the other two persons included in the 2019 panel has been given with the promotion but the petitioner has not been given with promotion by citing the reason that the writ petition has been filed by him is pending.

8. Having included the petitioner in the promotion panel in the year 2019, at least the respondents 2 and 3 could have considered his promotion with effect from the year 2019. When the petitioner has come to the Court for seeking the relief of promotion, it is unfair on the part of the respondents to withhold the promotion of the petitioner despite he has been included in the panel by stating



that the writ petition has been pending.

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9. In view of the above stated reasons, the writ petition is partly allowed and the respondents 2 and 3 are directed to give notional promotion to the petitioner with effect from the date on which the other two persons included in the panel of the year 2019 have been given promotion and pass orders to revise the pensionary benefits and other attendant benefits that might accrue to the petitioner in view of the notional benefit given as above, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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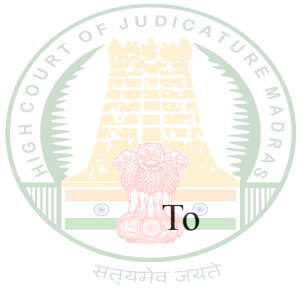
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Chairman cum Secretary to the
Govt., Transport Department, 4th Floor,
Secretariat, Chennai - 9

2. The Managing Director (I/C)
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R.N.MANJULA J.

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