



W.P. No.28903 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.28903 of 2014

and

M.P.Nos.1 & 2 of 2014

T.M.Neervannan

... Petitioner

Vs.

1.The Secretary to Government,
Transport (H1) Department (T.N.)
Secretariat, Chennai – 600 009.

2.The Director,
T.N.Motor Vehicles Maintenance Department,
Velacheri Road,
Chennai -42.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified Mandamus, to call for the records connected with impugned Govt. Letter No.3582/H1/2008-1 Transport (H1) Department dated 12.02.2010 of the first respondent and the impugned proceedings No.A4/9314/2013 dated 06.02.2014 of the second respondent and quash the same and to direct the respondents to draw panel for the year 2013-14 for promotion to the post of Foreman in accordance with the Special Rules for the Tamil Nadu Motor Vehicles Maintenance Subordinate Services taking into account of “other categories also”.

For Petitioner : Mr.No appearance

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For Respondents : Mr.E.Vijay Anand
Additional Government Pleader.

ORDER

There is no representation on behalf of the petitioner.

2. In this writ petition, the petitioner has challenged the selection list for the post of 'Foreman' published by the 1st respondent in the impugned Government Letter bearing No.3582/H1/2008-1 Transport (H1) Department dated 12.02.2010 and the proceedings No.A4/9314/2013 dated 06.02.2014 of the 2nd respondent.

3. By the impugned proceedings, a selection list was prepared for promoting the persons to the post of 'Foreman' from the post holders of the post of Fitter Special (Mechanic Grade-I), Charge Man and Fitter Grade-I (Time Keeper) by adopting the ratio of 3:1:1. It is the case of the petitioner that the petitioner has the requisite qualification; however, the name of the petitioner has been wrongly excluded from the promotional post of the 'Foreman'. Therefore, the petitioner has filed the present writ petition.

4. It appears that the petitioner was appointed as a Turner on



17.01.1986 and was serving as a 'Special Grade Turner' in the Respondent Department. The respondents have taken a categorical stand that, as per G.O.Ms.No.498, Transport Department, dated 16.05.1989, the method for appointment to the post of 'Foreman' is as follows:

Post	Method of Appointment	Qualifications Prescribed
1.Foreman	By direct recruitment	a. Must possess Diploma in Mechanical Engineering with Automobile Engineering as Elective or Diploma in Automobile Engineering issued by the State Board of Technical Education, Tamil Nadu or of any recognized institution or board.
		b. Must have practical experience in the Automobile workshop for a period not less than three years and
		c. Must possess a valid driving licence to drive light motor vehicle.
	ii. By promotion from the category of Mechanic Grade I, Time Keeper or from any other category	a. Must possess diploma in Mechanical Engineering with Automobile Engineering as Elective or Diploma in Automobile Engineering issued by the State Board of Technical Education, Tamil Nadu or of any other recognized institution or board, or National Trade of Mechanic (Motor Vehicles) and



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Post	Method of Appointment	Qualifications Prescribed
		National Apprenticeship certificate issued by the National Council for Training in Vocational Trades, Govt. of India. b. Must have served in the respective category from which one is promoted for a period of two years in the case of diploma holders and three years in the case of Trade certificate holders; c. Must possess a valid driving licence to drive heavy transport vehicles. (provided that the ratio between the category of Mechanic Grade I and other categories shall be 1:1)

5. Thus, it is seen that the 'Special Grade Turner' is not a feeder category for promotion to the post of Foreman. Moreover, the post of Turner and Foreman come under the same service. Hence, the petitioner is not eligible for promotion to the post of Foreman as per the method of appointment mentioned in the above Government Order.

6. That apart, it is noticed that the writ petition was listed 'for admission' on 06.11.2014. Since then, the writ petition has only been listed in



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Court today, while the respondents would have acted on the impugned promotion list and issued promotions to the persons therein in the impugned promotion list.

8. It is also noticed that the petitioner was 56 years old at the time the writ petition was filed and would have also attained the age of superannuation. Therefore, the writ petition has become infructuous due to efflux of time.

7. Accordingly, the writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

C.SARAVANAN,J.

dpa



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To:

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