



WEB COPY



W.P.No.39595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.39595 of 2024

and

W.M.P.No.42875 of 2024

K. Manoharan

... Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post, Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Ponnerikkarai, Karapettai,
Chennai Bangaluru Highway,
Kancheepuram – 631 552.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, prayed to issue a Writ of Certiorari, to call for the records pertaining to Letter No.175/A.M(P)/TNSTC(KPM)/2024 dated 11.11.2024 issued by the second respondent and to quash the same as illegal.

For Petitioner : Mr. N. Ishak

For Respondents : Mr. T. Chandrasekaran,
Standing Counsel.



W.P.No.39595 of 2024

ORDER

This Writ Petition has been filed challenging the order dated 11.11.2024, whereby the petitioner was reverted from the post of General Foreman to the post of Foreman.

2. The petitioner was initially appointed in the respondent – Corporation as Junior Tradesman on 24.09.1992. Thereafter, he completed a Diploma course in Mechanical Engineering and, based on the said qualification, he was promoted to the post of Foreman in the scale of pay of Rs.9300-34800 with effect from 17.08.2016. The upgraded post of the Foreman is the General Foreman cadre, which is filled up by way of promotion from among the personnel in the Foreman category through a personal interview. The petitioner, who was already serving as Foreman, was promoted to the post of General Foreman by order dated 17.03.2023. He had been discharging his duties as General Foreman from 17.03.2023; however, his pay was not fixed in the promotion post. Therefore, the petitioner approached this Court by filing W.P. No.3727 of 2024 seeking a direction to the respondents to fix the pay and other allowances applicable to the post of General Foreman from the date of his promotion, i.e., 17.03.2023, within a period of six weeks. Instead of complying with the said direction, the respondent issued a show cause notice alleging that the petitioner had been wrongly promoted to the post to the General Foreman



W.P.No.39595 of 2024

and calling upon him to show cause as to why he should not be reverted to the post of Foreman. The said show cause notice was challenged in W.P.No.24265 of 2024, and the same was allowed by order dated 20.08.2024, and this Court, directed the second respondent to consider the explanation submitted by the petitioner, consider his representation and pass final orders, granting liberty to raise appropriate grounds. Since the petitioner's explanation was not accepted by the second respondent, an order of reversion from the post of General Foreman to Foreman was issued. Aggrieved by the said order of the second respondent, the petitioner has filed the above Writ Petition.

3. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents, and also perused the materials available on record.

4. On perusal of the records, counter and submissions made on either side, it is seen that the respondent – Corporation had promoted the petitioner from the post of Tradesman to the cadre of Foreman on 28.12.2016. Thereafter, the respondent – Corporation issued a G.O.(Ms).No.20, Transport Department, dated 29.02.2016. It is useful to extract the clauses from the said Government Order dated 29.02.2016, which are reproduced hereunder:-



“ i) technical employees those who were Foreman and who posses Diploma in Engineering in a recognized University will be re-designated as Junior Engineer with prospective effect and pay protection;

ii) technical employees who were acquired General Foreman and who posses Diploma in Engineering, in a recognized University will be re-designated as Assistant Engineer with prospective effect and pay protection;

iii) the employees eligible for re-designation must submit a declaration statement showing their willingness to come out from the 12(3) Settlement and agreeing to give up the privileges entitled in 12(3) Settlement;

iv) these re-designated Junior Engineers/Asst. Engineers will be fixed as the Junior most in the existing seniority list.”

5.Further, the above said G.O.(Ms).No.20 dated 29.02.2016 is not applicable to the petitioner. The said Government Order was issued only for the purpose of prescribing the method of calculation relating to the existing post of Foreman and General Foreman. The petitioner was promoted to the post of Foreman on 28.12.2016, much after the said G.O. had come into force. Hence, the G.O. has no relevance to the grievance raised in the present Writ Petition, and in no manner affects the petitioner's promotion.



6. That apart, the clause in respect of willingness to opt out of the Settlement under Section 12(3) of the Industrial Disputes Act, 1947, is also not applicable to the case of the petitioner.

7. The learned standing counsel appearing for the respondent submitted that the petitioner was wrongly promoted due to an error, without taking into consideration G.O.(Ms).No.20, Transport Department, dated 29.02.2016. When the said G.O is not applicable to the petitioner, and when Section 12(3) of the Industrial Dispute Act, 1947 is also irrelevant to the case, the respondent cannot contend that the petitioner was wrongly promoted to the post of Foreman. The impugned order reverting the petitioner from the post of General Foreman to Foreman has been passed only as a consequence of the directions issued by this Court to fix the scale of pay applicable to the post of General Foreman from 17.03.2023. Therefore, the impugned order is liable to be quashed.

8. Therefore, the respondents are directed to fix the scale of pay applicable to the post of General Foreman, with effect from the date of petitioner's promotion, i.e., 17.03.2023, within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.No.39595 of 2024

9. With the above observations and direction, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

17.11.2025

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN. J,

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