

W.P.(MD) No.13021 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 20.06.2025
PRONOUNCED ON : 27.06.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.13021 of 2015

B.Chandramohan,
S/o.K.Backiam,
No.3/233, Sakthi Illam,
Surveyor Colony,
K.Pudur
Madurai – 625007

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Chairman of
All State Transport Corporations and
Secretary to Government,
Transport Department,
Fort.St.George,
Chennai-9.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) - Limited,
Bye-pass Road,
Madurai - 625 610.

...Respondents

PRAYER:

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Office Order in Ref:Legal/W.P.(MD)No. 4956/2008 dated 25.06.2015 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the



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Respondent No.2 to provide promotion to the Petitioner in the post of Assistant Manager with effect from 15.12.1995 and to the post of Deputy Manager with effect from 15.12.2001 and subsequently to promote the petitioner to the post of Senior Deputy Manager with effect from the 15.12.2005 with all monetary benefits in accordance with the Common Service Rules/Tamil Nadu State Transport Corporations Service Rules within the time period stipulated by this Hon'ble Court and pass any further or other orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and thus render Justice.

APPEARANCE OF PARTIES:

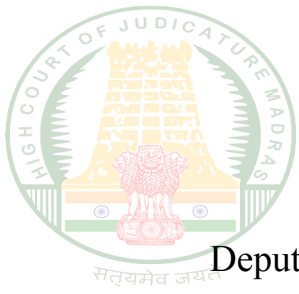
For Petitioner : Mr. G. Karthick for Mr. S. Rajasekar.

For Respondents : Mr. J. Ashok, AGP for R1.
Mr. J. Senthil Kumariah for R2.

J U D G M E N T

The Petitioner had filed the present writ petition at the age of 66 years. By the time he filed the present case, he had retired from service even as early as 31.11.2017. This is the third round of litigation by the Petitioner.

2.In this W.P., he wanted this court to grant him the relief of retrospective promotion as Assistant Manager w.e.f. 15.12.1995 and



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Deputy Manager w.e.f. 15.12.2001 with all benefits.

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3.The learned counsel for the petitioner submitted that the petitioner had an unbroken and meritorious career progression within the Corporation, having initially been promoted as Junior Assistant in 1996, followed by elevation to the post of Assistant on 01.08.1982. Given his legal qualifications, he was further promoted as Junior Superintendent (Legal) on 01.11.1986 and subsequently as Senior Superintendent on 1.7.1997. However, pursuant to certain departmental redesignations, as many as 74 individuals were reclassified as Senior Superintendents, which, according to the petitioner, adversely impacted his rightful placement in the seniority list. This led him to initiate legal proceedings, and as a result of court directions, his promotions were revised—recognising him as Junior Superintendent with effect from 31.08.1986 and as Senior Superintendent from 15.12.1990. The petitioner contends that, based on this corrected seniority, he ought to have been promoted as Assistant Manager in 1995. Nevertheless, due to the respondent Corporation's subsequent amalgamation of cadres in 1999 and the internal administrative restructuring, his seniority position was again disrupted. Although the courts had directed fixation of his



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seniority and consideration for promotion, it was only in 2007 by order dated 15.10.2007 that he was promoted as Assistant Manager, which according to him, was belated and deprived him of legitimate promotional and financial benefits. The respondents, however, maintain that the amalgamation took place only in 1999 and that the petitioner's promotion was in accordance with vacancy availability and extant rules, and that no junior was promoted ahead of him.

4.It is unnecessary to refer to the previous litigations filed by the Petitioner. It is suffice to state that after all the litigations, the 2nd Respondent had promoted him as Assistant Manager w.e.f. 27.9.2007 by an order dt. 15.10.2007. Thereafter the Petitioner was retired from service as Asst. Manager on 31.11.2007. After 8 years, the present petition came to be filed challenging his request by an order in the year 2015.

5.This court is not inclined to entertain the said request mainly on two grounds. One that under the common seniority rule, there is no ground for automatic promotion to higher post. Secondly, promotion will arise only depending upon the vacancies.



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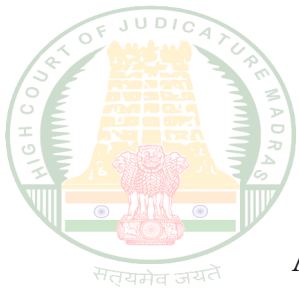
6.In this context, the counsel for the Respondent very correctly argued and also made the following submissions as found in the written arguments filed before this court:-

“Since there was a stagnation of promotion in the managerial cadre in all Transport Corporations the Senior Superintendent's promotion was affected because the next avenue of promotion to the Senior Superintendent is Assistant Manager (Managerial Carder). As request made by the Tamil Nadu State Transport Corporation Superintendent Federation the government had considered and created two special posts like Section officer, Selection Grade section officer with the higher scale of pay as per G.O.Ms No.246 dated 17.12.2004 and G.O.Ms No.73 dated 19.09.2006.

The aforesaid G.Os applies to all Senior Superintendents who were on roll on 31.12.1998, based on the above-said G.O the petitioner was also promoted to the post of section officer, Selection Grade section officer with the higher scale of pay.

The respondent corporation being a government-owned corporation and there is only one common service rule being followed. As per Common Service Rule of the corporation the promotion from the post of senior superintendent to the post of Assistant Manager is not on automatic one and it is not a time-bound manner and promotion is subject to availability of vacancy.

By considering petitioner's case and order passed in W.P. (MD).No.4956 of 2008 the respondent management passed a detailed order dated 25.6.2015, against which the petitioner filed present writ petition.



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Already 24.02.2023 the respondent management filed an affidavit stating that the management never gave Assistant Manager promotion to Juniors of the petitioner and the management had strictly followed the order passed in W.A.No.2407 of 2005 and W.P.(MD).No.4956 of 2008 and passed an impugned order.”

7.In matters relating to seniority and promotion, a litigant must be aware of his rights and should approach this court at a relevant time while he is in service and not long after his retirement. In case of retirement, readjustment of seniority or grant of promotion with retrospective promotion will create unnecessary administrative difficulties. Further, even if the promotion is granted, it could only be a paper promotion and no monetary benefits can be given as the Petitioner never discharged the duties attached to the higher post. Further, as rightly contended, a promotion depends upon the vacancy and the person's suitability to hold the higher post.

8.Hence no case is made out and the Writ petition is dismissed. No costs.

27.06.2025

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No



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DR. A.D. MARIA CLETE, J

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Pre-Delivery Judgment made in
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