



W.A(MD) No.185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.08.2025

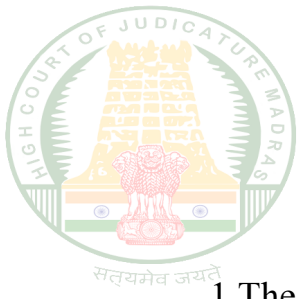
CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.185 of 2023
and
C.M.P.(MD)No.2343 of 2023**

- 1.The Managing Director,
The Tamil Nadu State Transport Corporation,
Tirunelveli,
Tirunelveli District.
 - 2.The General Manager,
The Tamil Nadu State Transport Corporation,
Tirunelveli,
Tirunelveli District.
 - 3.The Assistant Manager,
The Tamil Nadu State Transport Corporation,
Transport Corporation,
Tirunelveli,
Tirunelveli District.
 - 4.The Deputy Manager (H.R).,
The Tamil Nadu State Transport Corporation,
Tirunelveli,
Tirunelveli District.
- ... Appellants / Respondents

Vs.



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1. The Secretary to Government,
Transport Department,
Secretariat,
Fort St. George,
Chennai.

... 1st Respondent / 1st Respondent

2. T. Hillaludeen

3. V. Senthilkumar

4. V. Arunachalam ... 2 to 5 Respondents / 1 to 4 Writ Petitioner

5. K. P. Selvaganesan

B. Antony James (Died)

... Respondent Died /
5th Writ Petitioner

6. S. Sankaran

7. P. Murugesan

8. T. Ramakrishnan

... Respondents 7 & 8 /
6 to 8 Writ Petitioners

9. Ponselkar Solomon

10. S. Suseel Kumar

11. R. Balsingh

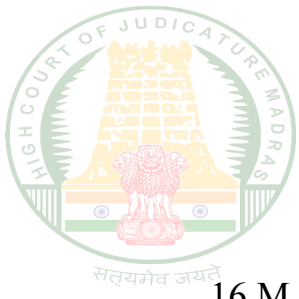
12. R. Pani Sundar

13. E. Jeyaseel Thiyagaraj

14. T. Jeyagopal

15. D. Samraj Basker

2/10



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16.M.Jeyanthi

17.C.Shivaji

18.A.Appasamy

19.T.Sivasankara Narayanan

20.K.Mohan

21.V.Ramalingam

22.P.Renganathan

23.M.Thangam Ponnammal

24.K.P.Thangam

25.V.Sivabaghyavathi

26.A.Anthoni Xavier Shay Rani

27.G.Kothandaraman

28.S.Ramakrishnan

29.C.Hariharan

30.S.Arivalagan

31.P.V.Janci Rani

... Respondents 9 to 31 given up in this appeal /
Respondents 6 to 28 in Writ Petition



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 17.02.2022 passed in W.P. (MD)No.21661 of 2015 and to allow the writ appeal.

For Appellants : Mr.Isaac Mohanlal
Senior Counsel
for Mr.D.Jebaraj

For Respondents : Mr.Aayiram K.Selvakumar
for R2 to R9

: Mr.N.Satheesh Kumar
Additional Government Pleader
for R1

R10 to R31-Given up

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioners herein joined TNSTC, Tirunelveli as Junior Assistants during 1988-1991. They were subsequently promoted as Assistants and then as Senior Assistants. They were conferred with Selection Grade and finally, promoted as Superintendents. Except one, all the writ petitioners have retired from service. Their grievance is that



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the persons who were shown as R6 to R28 in the writ petition ought not to have been promoted as Superintendents. According to them, there are two groups, namely, Working Group and Miscellaneous Group. As per the Service Rules governing the employees of TNSSTC, Tirunelveli, only those who belong to the Working Group should be promoted as Superintendents. Assailing the promotion granted in favour of the private respondents, W.P.(MD)No.21661 of 2015 was filed. The learned single Judge vide order dated 17.02.2022 granted relief to the writ petitioners in the following terms:-

“8.The specific contention of the petitioners are that the impugned seniority list, dated 10.07.2012, was prepared for the year 2012. If that is so, the G.O.Ms.No. 79, which came into existence on 30.06.2015, cannot be applied at all. The subsequent letter issued by Additional Chief Secretary to the Government also clarifies that the G.O.Ms.No.79, has come into existence with prospective effect. If that is so, cut off date of G.O.Ms.No.79 is 30.06.2015. The counter of the respondents stated that the fresh seniority list was prepared after giving one time irrevocable option to the petitioners in the impugned seniority list. The contention of the respondents is that the petitioners are transferred from other corporation and therefore, they are placed junior most in the present



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Corporation and therefore, they cannot be granted. But in the counter the respondents have not taken such a plea. Therefore, that plea is rejected.

9. Therefore, this Court is of the considered opinion that the retrospective effect is given to the impugned seniority list. However, the learned Counsel appearing for the petitioners stated that the 3rd and 6th petitioner retired from service, the 5th petitioner died and the petitioners 1, 2, 4, 7 and 8 are in service. Likewise, in the respondents 6 to 28 some of them are retired. The contention of the respondents is that the seniority list was given effect to and if the seniority list is interfered with, it would unsettle the seniority among the employees.

10. Therefore, to meet the ends of justice this Court is directing the respondents 1 to 5 to grant notional seniority to the petitioners and consequential monetary benefits shall be granted. As far as the retired / died persons are concerned, the effect shall be carried out in the pension benefits / family pension and arrears shall be granted. Hence, this Court is passing the following orders:

- i. The impugned seniority list is modified only to give notional seniority cum promotion.
- ii. The respondents are directed to give notional effect to petitioners 3, 5 and 6 and grant arrears and grant consequential pension benefits.
- iii. As far as the petitioners 1, 2, 4, 7 and 8 are



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concerned, the petitioners shall be granted notional promotion and consequential arrears of monetary benefits / salaries.”

Challenging the same, the Management has filed this writ appeal.

3. We wanted to know the basis on which the classification of Working Group and the Miscellaneous Group is arrived at. It is admitted by the learned counsel on either side that if a person is appointed as junior assistant at the entry level, he belongs to the working group. If the entry is as a clerk, he belongs to the miscellaneous group. That apart, a person can be said to belong to the working group only if he possess National Apprenticeship Certificate. It is specifically argued by the learned counsel for the writ petitioners that the persons shown as private respondents in the writ petition did not possess such certificate. In other words, they lacked the qualification to be inducted as members of the working group. This contention is no doubt attractive.

4. But then, the claim has been made so belatedly. The writ petitioners challenge the qualification of the private respondents in the writ petition after a lapse of nearly three decades. The bone of contention



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is regarding the panel prepared for the post of Superintendent in the year 2012. The basis on which challenge has been mounted is G.O.Ms.No.79, dated 30.06.2015.

5. We fail to understand as to how on the basis of G.O.Ms.No.79 which was subsequently issued, one can challenge the panel prepared three years earlier. It is also seen that the persons shown as private respondents in the writ petition had joined service earlier in point of time. A mere look at the records would show that the said persons were appointed as Junior Assistants during 1986 -1989. Admittedly, all of them are seniors to the writ petitioners. The writ petitioners are guilty of laches. The writ petitioners as well as the private respondents had been promoted as Assistants and Senior Assistants in the meanwhile. The petitioners did not raise any dispute at the earliest point of time. Having kept quiet for 25 years, the writ petitioners could not have been permitted to agitate the stale matters. The learned single Judge did not take note of the conduct of the writ petitioners.



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6. In this view of the matter, the order of the learned single Judge is set aside. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
05.08.2025

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

To

The Secretary to Government,
Transport Department,
Secretariat,
Fort St.George,
Chennai.



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AND

K.RAJASEKAR, J.

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