

W.P.(MD) No.10307 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 30.07.2025

Pronounced On : 20.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.10307 of 2017

and

W.M.P.(MD)No.7880 of 2017

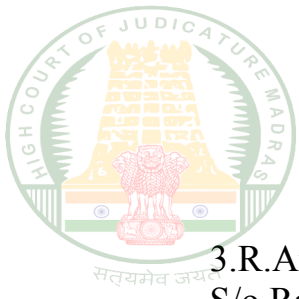
S.Arivazhagan,
S/o.M.Simon,
No.52-1/8, Odai Street (West),
Near Water Tank,
Kamaraj Nagar,
Therku Kallikulam Post,
Radhapuram Taluk,
Tirunelveli District – 627 113.

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation(TNSTC),
(Tirunelveli) Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

2.G.Viswanathan (EDP No.6038)
S/o.N.Ganapthiya Pillai,
Selection Grade Superintendent,
TNSTC, Central Office,
Kattabomman Nagar,
23/2, Thoothukudi Road,
Tirunelveli District – 627 011.



W.P.(MD) No.10307 of 2017

3.R.Arunachalam (EDP No.7358)
S/o.Rajalingam,
Selection Grade Superintendent,
TNSTC, Regional Office,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

4.C.Gomathinayagam (EDP No.6485)
S/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

5. G.Jeyaseel Thiyagarajan (EDP No.6495)
S/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

6.J.Xavier Thangaraj, (EDP No.10390)
S/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

7.M.Thangam Ponnammal (EDP No.7470)
W/o.Not known,
Selection Grade Superintendent,
TNSTC, (Coimbatore) Ltd.,
Erode Region, Erode.

8.N.Baskaran (EDP No.7582)
S/o.Not known,
TNSTC, Central Office,
Kattabomman Nagar,
23/2, Thoothukudi Road,
Tirunelveli District – 627 011.



W.P.(MD) No.10307 of 2017

9.G.Paramasivan (EDP No.6172)

S/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road,
Vannarpettai,
Tirunelveli – 627 003.

10.S.Siva Packiavathi (EDP No.6413)

W/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road,
Vannarpettai,
Tirunelveli – 627 003.

11.A.Mohan (EDP No.10780)

S/o.Not known,
TNSTC, Regional Office,
No.19, Trivandrum Road,
Vannarpettai,
Tirunelveli – 627 003.

... Respondents

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the Lr.No.14326/Personal 2/TNSTC/TNV/2015 dated 28.06.2017 and quash the same and further directing the 1st respondent to treat the promotion of the petitioner into the post of Superintendent notionally with consequential monetary benefits from 04.07.2011 and to fix my seniority in the post of Superintendent over and above respondents 2 to 11 in considering the representation of the petitioner dated 09.05.2017 and pass such further or other orders as this Hon'ble Court may deem fit proper in the said circumstances of this case and thus render justice.

(Prayer amended vide Court order dated 09.04.2019 in WMP(MD)No. 6442/2019)



W.P.(MD) No.10307 of 2017

WEB COPY PRAYER in W.M.P.:

To pass an order of injunction restraining the 1st respondent from promoting the Respondents 2 to 11 into the next higher category without considering the Petitioner's candidature pending disposal of the above Writ Petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.K.Vinoharan, Advocate
for Mr.G.Prabhu Rajadurai, Advocate

For Respondents : M/s.Sinduja, Advocate
for Mr.R.Rajamohan, Advocate for R1

: No appearance for R2 to R11

JUDGMENT

Heard.

2. In the writ petition, the Petitioner amended his original prayer and, through the amendment, sought to quash the order dated 28.06.2017. He further prayed for a direction to grant him promotion to the post of Superintendent on a notional basis, with consequential monetary benefits effective from 04.07.2011, and for fixation of his seniority above respondents 2 to 11.



W.P.(MD) No.10307 of 2017

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3. The writ petition was taken up on 05.06.2017, and on behalf of the 1st Respondent, a counter affidavit dated 20.08.2017 was filed, accompanied by an annexure detailing the appointments and promotions of the Petitioner and the Respondents to the posts of Assistant and Special Grade Assistant.

4. In paragraphs 6 to 11 of the counter affidavit, the circumstances rendering the Petitioner's claim untenable were explained.

“6(A) The Petitioner was initially appointed as Junior Assistant on 04.09.1989 in Corporation Service. But all the 10 respondents mentioned in Sl.No.2 to 11 were appointed prior to the Petitioner's appointment as mentioned in the annexure-I.

6(B) The 10 respondents were transferred from various Transport Corporations to this corporation as per the rules in force.

7. ...the Common Service Rule says that “the Seniority of a person absorbed from government department (other than T.S.T.D) or from a public undertaking shall be fixed in the category in which he is appointed at the time of permanent absorption with reference to the date of such permanent absorption in the corporation. The Board may, however, fix the seniority of a person so absorbed with reference to the date on which he joined the particular category of post in the erstwhile TSTD or in the corporation earlier on transfer or on deputation, as the case may be”.



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W.P.(MD) No.10307 of 2017

8.... when the respondents were transferred from other transport corporations, there is one condition that they will be placed in junior most in the category while joining in the corporation.

9. ...the respondents will be placed in the junior most in the same category employees while joining in this corporation (for example Junior Assistant, Assistant, Senior Assistant). Then after getting review in the same corporation, they are placed junior most while the date of review is same with this Corporation employees.

10. while preparing Seniority list for Superintendent Promotion. As the date of Special Grade Assistant / 3rd Review date of the respondents are same with other employees, the name of respondents were placed in the junior most among them. Supdt promotion was also given from that seniority list.

11. ...the petitioner Thiru.S.Arivazhagan's date of Special Grade Assistant for seniority list is 01.02.2011, but the dates of Special Grade Assistant of all 10 respondents are 01.08.2009 to 01.11.2010. They are all seniors to the petitioner.”

5. In support of their contention, the Respondent placed reliance on the judgment of this Court in ***W.P. Nos. 290 of 2019 and 24441 of 2018, dated 30.04.2024*** pertaining to the same Corporation. In paragraph 10 of the latter order, the learned Judge observed as follows:

“10. In the absence of any contradiction to the above said statements made in the counter-affidavit filed by the respondents, the entire claim of seniority made by the petitioner does not stand to legal scrutiny. Further, the petitioner is claiming seniority over the persons whose



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W.P.(MD) No.10307 of 2017

names were included in the impugned seniority by claiming that the said persons were juniors to the petitioner with reference to entry in to the service of the respondent Corporation. Once the petitioner has opted to change his region on a condition that he will take the last rank in the administrative category of that region, the original date of entry into service has lost its significance and his seniority in the Erode region can only be counted from the date of his transfer to such region. Thus, the claim of petitioner, claiming seniority over the persons, whose name were included in the impugned seniority list cannot be accepted.”

6. In view of the foregoing, no case has been made out to entertain the writ petition. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. The connected W.M.P. is also dismissed.

20.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

Copy to:

The General Manager,
Tamil Nadu State Transport Corporation(TNSTC),
(Tirunelveli) Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli – 627 003.

7/8



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W.P.(MD) No.10307 of 2017

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.10307 of 2017

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