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W.P.No.10212 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2026

CORAM :

THE HON'BLE MR.JUSTICE T.VINOD KUMAR

W.P.No.10212 of 2019

K.Ramalingam

.. Petitioner

Versus

M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai – 600 002.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the respondent in Lr.No.029339/C3/SETC/2017, dated 05.02.2019 and quash the same and consequently direct the respondent to fix petitioner's salary in the Checking Inspector cadre and also sanction 5th review benefits and pay the consequential arrears.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.K.Kathiresan, Standing Counsel



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ORDER

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Heard Mr.D.Soundar Raj, learned Counsel for the petitioner and Mr.K.Kathiresan, learned Standing Counsel for the respondent and perused the record.

2. The petitioner, by the present Writ Petition, while assailing the action of the respondent in issuing the proceedings in Lr.No.029339/C3/SETC/2017, dated 05.02.2019 had sought for quashing the same with a consequential direction to the respondent to fix his salary in the cadre of Checking Inspector and also sanction fifth review benefits along with payment of arrears.

3. The case of the petitioner in brief is that he was promoted to the post of Checking Inspector from the cadre of Senior Conductor vide proceedings, dated 18.01.2012 and had retired from the said post of Checking Inspector on 30.06.2013; and that the respondent has not granted him the benefits attached to the post of Checking Inspector and only granted benefits that are payable to the Senior Conductor, which action it is contended as highly illegal and arbitrary.



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4. Counter-affidavit, on behalf of the respondent, is filed. The respondent, by the counter-affidavit, contended that the representation submitted by the petitioner pursuant to the order, dated 30.11.2018 in W.P.No.31575 of 2018, was considered and was rejected by the respondent by the impugned proceedings as the petitioner's promotion to the post of Checking Inspector was canceled vide order, dated 04.12.2012 and accordingly, necessary entries have been made in the service record of the petitioner; that the petitioner suppressing the aforesaid fact of cancellation of his promotion, had approached this Court initially by filing the Writ Petition in W.P.No.31575 of 2018 as well as the present Writ Petition i.e., W.P.No.10212 of 2019.

5. I have taken note of the respective submissions made by the learned Counsel on either side.

6. While it is the specific case of the petitioner that the petitioner has been promoted to the cadre of Checking Inspector on 18.01.2012 and had continued in the same position till his retirement on 30.06.2013, the respondent, by the counter-affidavit, has categorically claimed of the petitioner's promotion to the post of Checking Inspector having been



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canceled on 04.12.2012.

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7. The stand of the respondent in the counter-affidavit is extracted hereunder:-

“11. I submit that, it is also found from the available Note File records from the HR section that the petitioner has undergone Bye Pass Surgery and subsequently referred to Medical Board; and the Medical Board has opined that the above Petitioner is unfit for the post of Conductor; and in continuation based on the Medical Board report, the Promotion order issued to the above Petitioner was cancelled vide Order No:035607/HR3/SETCTN/2012, dated:04.12.2012 ie, 6 months before the date of retirement; and hence he was in the cadre of Conductor till retirement.

12. I submit that, accordingly in the Service Record Book, it was entered as the petitioner's promotion order No. 035607/HR3/SETCTN/2011 dated January 18, 2012, was subsequently cancelled vide Order No. 035607/HR3/SETC/2012 dated December 4, 2012. The relevant SR book entry is enclosed for reference.

13. I submit that, the petitioner failed to disclose the cancellation of promotion order by the Checking Inspector in the affidavits filed in both WP(MD)No:31575 of 2018 and WP No: 10212 of 2019.”

8. Though the respondent, by the counter-affidavit, had claimed of cancellation of the promotion, no material is placed before this Court to show that the aforesaid proceeding, dated 04.12.2012 had been served on the petitioner for him to be aware of his promotion being canceled.

9. Since the respondent, by the counter-affidavit, had specifically



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claimed of passing of order canceling the promotion, this Court, by its docket order, dated 23.03.2026, directed the respondent to place before this Court a copy of the said proceeding, dated 04.12.2012 served on the petitioner.

10. Despite this Court granting sufficient time to the learned Standing Counsel for the respondent from 23.03.2026 till 06.04.2026 and again on 07.04.2026 till date i.e., 15.04.2026, the respondent, not only failed to substantiate the claim made by them in the counter-affidavit of the promotion of the petitioner being canceled vide proceeding, dated 04.12.2012 and the said proceeding being served on the petitioner as claimed.

11. Today, it is submitted by the learned Standing Counsel that the respondent is searching for the said proceedings. The aforesaid statement made on behalf of the respondent only goes to show that the respondent made the statement in the counter-affidavit without verifying their records and also without enclosing a copy of the said proceeding with the counter-affidavit to substantiate their claim.



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12. Insofar as claim of the respondent of necessary entries being made in the service record, it is to be noted that the same is in the custody of the respondent and no credence can be attached to the said entry.

13. In view of the above, this Court is of the considered view that the claim of the respondent of the promotion of the petitioner to the cadre of Checking Inspector vide proceeding, dated 04.12.2012 having been canceled, is only bogey setup to deny the claim of the petitioner and thus, the said stand is liable to be rejected and hence, I do so.

14. Accordingly, this Writ Petition is allowed. The impugned proceeding in Lr.No.029339/C3/SETC/2017, dated 05.02.2019 is set aside and the respondent is directed to grant the benefit due to the petitioner by considering his last served post as Checking Inspector as on 30.06.2013 by granting all the consequential benefits to which the petitioner is otherwise entitled to. There shall be no order as to costs.

15.04.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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The Managing Director,
M/s.State Express Transport Corporation Ltd.,
No.2, Pallavan Salai, Chennai – 600 002.



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T.VINOD KUMAR, J.

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