



WEB COPY

WP No. 9342 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-03-2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 9342 of 2024**

**AND**

**WMP Nos. 10362 & 10365 of 2024**

K.Rajapandian  
S/o V. Kothandapani  
No 22 /2, Ellaiamman Koil Street, Konathi Village,  
Kattankulathur Post,  
Kancheepuram District - 603 203.

..Petitioner

Vs

1. The State of Tamil Nadu  
Rep. by its Additional Chief Secretary to Government  
Transport Department  
Secretariat, Chennai - 600 009.
2. M/s. State Express Transport Corporation,  
Rep. By Its Managing Director,  
No 2 Pallavan Salai  
Chennai - 600 002.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2<sup>nd</sup> respondent in Impugned Circular No 002293 / HR6 / SETCTN / 2007 dated 02.02.2024 and quash the same and consequently direct the respondents herein to include the name of the petitioner in the seniority List maintained by the 2nd respondent for the Junior Engineers and Assistant Engineers in view of the G.O. (Ms) No 13 Transport (C1) Department dated 14.01.2000 and in the light of the order of this Honourable Court in W.P. No 7648 of 2010 dated 30.06.2022 and W.P. No 16048 of 2016 dated 23.08.2023 in the similar case and pass orders.



WEB COPY

For Petitioner:

Mr.D.Soundar Raj

For Respondents:

Mr.P.Balathandayutham

Special Government Pleader for R1 &amp; R2

**ORDER**

The writ petition has been filed seeking the following relief :

*“ To issue a Writ of Certiorarified Mandamus to call for the records of the 2<sup>nd</sup> respondent in Impugned Circular No 002293 / HR6 / SETCTN / 2007 dated 02.02.2024 and quash the same and consequently direct the respondents herein to include the name of the petitioner in the seniority List maintained by the 2nd respondent for the Junior Engineers and Assistant Engineers in view of the G.O. (Ms) No 13 Transport (C1) Department dated 14.01.2000 and in the light of the order of this Honourable Court in W.P. No 7648 of 2010 dated 30.06.2022 and W.P. No 16048 of 2016 dated 23.08.2023 ”*

2. The petitioner was a degree holder in Bachelor of Engineering. He joined the 2<sup>nd</sup> respondent-Corporation as Junior Engineer on 29.05.1986. His services were regularised on 01.02.1988. After a span of 10 years, the petitioner had been dismissed from service on 20.10.1999 alleging certain irregularities in his duties. Challenging the dismissal order, the petitioner filed I.D.No.637 of 2010 before the Labour Court, Chennai. Vide its award dated 19.09.2014, the Labour Court set aside the



dismissal order and directed the respondents to reinstate the petitioner with continuity of service with all benefits and 50% back wages.

Thereafter, the petitioner had entered into a settlement with the respondents under Section 18(1) of the I.D.Act. Subsequently, he was reinstated into service and posted at Marthandam Depot on 29.08.2015.

3. The petitioner would submit that he was eligible for promotion as Assistant Engineer w.e.f. 31.01.1994 and as Senior Assistant Engineer w.e.f. 31.01.2000, in terms of G.O.(Ms) No.13 Transport (C1) Department, dated 14.01.2000, which *inter alia* provided time bound promotion to Technical and Administrative Supervisors. As per the G.O., the persons in the aforesaid cadre who had completed 6 years of service as Junior Engineer will be promoted as Assistant Engineer and those who had completed 6 years as Assistant Engineer will be promoted as Senior Assistant Engineer or those who had completed 12 years in the post of Junior Engineer will be promoted as Senior Assistant Engineer. The grievance of the petitioner is that he was denied the said promotions and was kept in the post of Junior Engineer for 33 years from 1988 to date. However, his juniors have been favoured with promotions. The petitioner would further submit that the respondents had neither revised his scale of



pay in terms of G.O (Ms) No.13 nor was he awarded the benefits of the 6<sup>th</sup> and 7<sup>th</sup> Pay Commission. The petitioner would submit that G.O.(Ms) No.13 dated 14.01.2000 was in existence upto 21.08.2008 till the issuance of G.O.(Ms) No.142 Transport (C1) Department dated 21.08.2008, which had cancelled the time bound promotion. In the affidavit filed before this Court on 28.03.2024, the petitioner had pleaded that he was about to retire on 31.05.2024.

4. At this juncture, the 2<sup>nd</sup> respondent had drawn the seniority list of Junior Engineers and Assistant Engineers vide impugned Circular No.002293/HR6/SETCTN/2007 dated 02.02.2024, excluding the name of the petitioner. The petitioner would submit that the Engineers who are junior to him were shown in the impugned seniority list. Challenging the same, the petitioner is before this Court to quash the impugned list dated 02.02.2024 and also to include his name in the seniority list drawn for the Junior Engineers and Assistant Engineers in the light of G.O.(Ms) No.13 dated 14.01.2000.

5. The petitioner would submit that earlier in the year 2002, the seniority list was drawn vide circulars dated 08.02.2022 and 25.02.2022 excluding his



name and aggrieved by the same, he had submitted his representation dated 21.09.2022, to consider and include his name in the panel for Assistant Manager (Technical). However there is no response from the respondents.

6. The learned counsel appearing for the petitioner would submit that the petitioner has since retired from service. The learned counsel appearing for the petitioner has placed reliance on the orders of this Court in W.P. No 7648 of 2010 dated 30.06.2022 and W.P. No 16048 of 2016 dated 23.08.2023

7. Heard the learned counsel on either side and also perused the materials placed on record.

8. Taking into account the fact that the petitioner has attained superannuation and some of his juniors who had been in the seniority list have retired now, it is futile to re-examine their promotion/seniority. Therefore, at this juncture, the relief claimed by the petitioner cannot be sustained. However, this Court is of the view that the ends of justice would be met if the petitioner is granted notional promotion with continuity of service only for the purpose of terminal benefits.

9. Therefore, a mandamus is issued to the respondents to notionally promote the petitioner herein from the date of his eligibility to the post of



Assistant Engineer or Senior Assistant Engineer by following the procedure as per law and grant him commensurate monetary and terminal benefits.

However, the petitioner shall not be entitled to backwages for the said post.

However, the upgraded post may be considered for pensionary benefits, and necessary proceedings shall be issued within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs.

Consequently connected miscellaneous petition is closed.

**23-03-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DS

To:

1. The Additional Chief Secretary to Government  
State of Tamil Nadu  
Transport Department  
Secretariat, Chennai - 600 009.
2. The Managing Director,  
State Express Transport Corporation,  
No 2 Pallavan Salai  
Chennai - 600 002.



WEB COPY

WP No. 9342 of 2



P.T.ASHA J.

DS

WP No. 9342 of 2024  
AND  
WMP Nos. 10362 & 10365 of 2024

23-03-2026