



WEB COPY



W.P.No.31126 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31126 of 2017

M.Krishnan

...Petitioner

Vs.

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

...Respondent

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in letter No.27655/PB(N.N)5/MTC/2016 dated 20.10.2016, and quash the same and consequently direct the respondent for deemed promotion to the petitioner as Selection Grade Assistant Engineer with effect from 22.01.2008 in pursuant to the Government order in G.O.Ms.No.13, Transport (C1) Department, dated 14.01.2000.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.R.Balaji



W.P.No.31126 of 2017

WEB COPY

ORDER

The challenge in this writ petition is to the order dated 20.10.2016 issued in Letter No.27655/PB(N.N)5/MTC/2016 by the respondent. By the said order, the claim of the petitioner for promotion to the post of Selection Grade Senior Assistant Engineer came to be rejected.

2. The petitioner was appointed as a Machine Operator on 10.03.1982 and was thereafter promoted as Assistant Foreman with effect from 21.01.1986. He was subsequently promoted to the post of Senior Assistant Engineer on 05.07.2002 and was also entrusted with additional responsibilities as Branch Manager (In-charge) from the year 2011. The petitioner retired from service on attaining the age of superannuation on 30.04.2016.

3. The petitioner filed W.P.No.17392 of 2016 seeking a Writ of Mandamus to direct the respondent to treat him as having been promoted to the post of Selection Grade Senior Assistant Engineer with effect from 21.01.2008, upon completion of 22 years of service, as contemplated under G.O.Ms.No.13, Transport (C1) Department, dated 14.01.2000. This Court, by order dated 08.08.2016, directed the respondent to consider the petitioner's claim and pass



W.P.No.31126 of 2017

appropriate orders on merits and in accordance with law. Pursuant thereto, the impugned order came to be passed.

4. Mr.D.Soundar Raj, learned counsel appearing for the petitioner, submitted that the petitioner fulfilled all the eligibility requirements under G.O.Ms.No.13 dated 14.01.2000 and, therefore, the respondent was bound to promote him to the post of Selection Grade Senior Assistant Engineer. The denial of such promotion, according to the learned counsel, is arbitrary and discriminatory.

5. Per contra, Mr.R.Balaji, learned counsel appearing for the respondent, submitted that as on the crucial date, namely 21.01.2008, disciplinary proceedings were pending against the petitioner. The said proceedings culminated in the imposition of punishment of postponement of increment with cumulative effect for six months by order dated 22.04.2008, which was subsequently modified to postponement of increment without cumulative effect by order dated 29.12.2008. Therefore, it was contended that the petitioner was not entitled to promotion as on the crucial date.



W.P.No.31126 of 2017

6. The submissions of the learned counsel on either side and the materials available on record have been carefully considered.

7. G.O.Ms.No.13 dated 14.01.2000 provides for promotion to the post of Selection Grade Assistant Engineer upon completion of 22 years of service as Junior Engineer. It is not in dispute that the petitioner completed 22 years of service on 21.01.2008. However, the promotion was denied citing imposition of punishment on the petitioner.

8. As per the affidavit filed by the respondent, the petitioner was alleged to have remained absent from duty without prior intimation or sanctioned leave for more than eight consecutive days commencing from 05.08.2006. Based on the said allegation, punishment of postponement of increment with cumulative effect for six months was imposed by order dated 22.04.2008, which was modified on appeal as postponement of increment without cumulative effect by order dated 29.12.2008.

9. It is evident that as on the crucial date, namely 21.01.2008, the petitioner had completed the requisite 22 years of service and no order of punishment had been imposed against him. The punishment was imposed only subsequently. In such circumstances, the petitioner cannot be denied promotion



W.P.No.31126 of 2017

on the basis of disciplinary proceedings which culminated in punishment after the crucial date. Therefore, the petitioner, having satisfied the eligibility criteria as on the relevant date, is entitled to promotion to the post of Selection Grade Assistant Engineer, and denial of the same is arbitrary and discriminatory.

10. Accordingly, the writ petition is allowed. The impugned Letter No.27655/PB(N.N)5/MTC/2016 dated 20.10.2016 is hereby set aside. The respondent is directed to promote the petitioner to the post of Selection Grade Assistant Engineer notionally with effect from 21.01.2008 and to grant all consequential benefits, including revision of pension and pensionary benefits. However, it is made clear that the petitioner shall not be entitled to arrears of salary from the date of notional promotion till the date of superannuation. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

06.01.2026

Index : Yes/No
Speaking order : Yes/No
dna



WEB COPY



W.P.No.31126 of 2017

HEMANT CHANDANGOUDAR.J.,

dna

To

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

W.P.No.31126 of 2017

06.01.2026