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WA No. 391 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 391 of 2026 AND

CMP NO. 3587 OF 2026

The Managing Director
Tamil Nadu State Transport Corporation (Salem)
Limited, Salem 7

..Appellant

Vs

1. The State Of Tamil Nadu
Rep. by the Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai 9.
2. The Convener
Career Planning Committee,
TNSTC Employees Pension Trust, Thiruvalluvar
House, Pallavan Salai,
Chennai 2
3. N.Ramesh
General Manager,
Tamil Nadu State Transport Corporation
(Vellore) Ltd., Vellore.
(Presently res at A-22, ASTC Nagar,
Pennanagaram Main Road, Kumarasamipettai,
Dharmapuri 636701
4. A.Dharmaraj
Special Officer, Chairman Cell, Transport
Department, Chennai 9.



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5. P.Ravindran
Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Kumbakonam
6. V.Shanmugasundaram
Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited, Coimbatore
7. C.V.Elangovan
Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited, Madurai
8. K.Moni
Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited, Tirunelveli

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated. 11.09.2024 in WP No.15360 of 2017.

For Appellant :

Ms.Dakshayani Reddy, Senior Counsel For
Ms.Maduri Donti Reddy

For Respondents :

Mr.S.John J.Raja Singh
Additional Government Pleader For R1
Mr.K.M.Ramesh Senior Counsel For Mr.V.Subramani
For R3
R4 to R8 – Given up



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Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the Writ Court dated 11.09.2024 made in W.P.No.15360 of 2017.

2. The third respondent viz., N.Ramesh was the employee of the appellant transport corporation. He joined in the erstwhile Kattabomman Transport Corporation as Assistant Branch Manager-Technical (Trainee) on 07.01.1985. His services were regularised with effect from 07.01.1986. Thereafter he was transferred on 02.09.1987 to the erstwhile Annai Sathya Transport Corporation and was later promoted as Assistant Manager on 12.01.1993.

3. As per the then prevailing rule, the qualifying service for next promotion to the post of Selection Grade Assistant Manager was six years of successful completion of service as Assistant Manager. The writ petitioner completed six years qualifying service on 11.01.1999. Therefore, as per the 64th Board Meeting of the Transport Corporation, his plea was approved for the purpose of promotion and the same was forwarded to the Government on 06.04.2001.

4. However, the said proposal was kept pending for approval by the Government for over five years and in the meanwhile, in the year 2013, the rule



relating to qualifying service for promotion to the post of Selection Grade Assistant Manager was modified from six years to eight years. Therefore, in order to consider his plea that he has completed six years qualifying service as per the then existing rule in the year 1999, where he completed six years qualifying service as early as on 11.01.1999, based on which proposal has been sent as early as on 06.04.2001 to give promotion to the post of Selection Grade Assistant Manager and also for further promotion as Deputy Manager and the same since was not considered, he has approached this Court by filing a writ petition in W.P.No.39279 of 2016. The said writ petition was allowed on 26.04.2017, directing the first respondent to comply with the directions issued therein.

5. However, the said order was not implemented, but in the meanwhile on 08.05.2017, a Government Order was issued drawing the panel for Manager (Technical) in which, several juniors of the petitioner were included. Though objections were called for and the writ petitioner also submitted his objection, the same was not considered and by order dated 07.06.2017, juniors of the writ petitioners were promoted.

6. Therefore, the writ petitioner was constrained to approach this Court with a second round of litigation by way of the present writ petition in



W.P.No.15360 of 2017, whereby the promotions given to the juniors were challenged. The learned Writ Court has considered the factual matrix exhaustively, where some developments have taken place. In fact, as against the order passed by the Writ Court dated 26.04.2017 made in W.P.No.39279 of 2016, an intra court appeal was filed by the employer Transport Corporation and the said writ appeal was tagged along with some other connected writ appeals pending at Madurai Bench of this Court. While disposing of the batch of writ appeals, it was brought to the notice of the Division Bench at Madurai that the Government in the meanwhile has come out with a Government Order in G.O. (Ms) No.196, Transport Department dated 10.08.2017, whereby some modification has been made by the Government with regard to the qualifying service for getting promotion to the post of Senior Assistant Manager etc.,

7. By recording the said development, the writ appeals were disposed of. Thereby the order passed by the Writ Court dated 26.04.2017 has remained unaltered, as the same has not been complied with is a factor to be noted. The learned Judge recorded all this factual matrix and since the order dated 26.04.2017 made in W.P.No.39397 of 2016 giving a direction to the employer to give promotion to the writ petition by applying the then existing rule of six years qualifying service in the cadre of Assistant Manager for promotion to the post of



Selection Grade Assistant Manager was not complied with by the employer, the learned Judge has allowed the present writ petition through the impugned order. In the meanwhile in the year 2018 the writ petitioner since has retired on superannuation, a further direction was given that his service benefits including promotion shall be made notionally and ultimately on the basis of the notional promotion to be made on par with his juniors who got promoted earlier, the other service benefits including monetary and pensionary benefits be calculated and accordingly the same shall be paid. Challenging the said order, the present writ appeal has been filed.

8. Heard the learned Senior Counsel appearing for the appellant who would submit that, in view of the modification made vide G.O.Ms.No.196 Transport Department dated 10.08.2017, wherein the criteria for getting promotions was modified to the effect that the individuals who have completed six years as Assistant Managers till 14.09.2003 have been made eligible to be called as Selection Grade Assistant Managers and their pay shall be revised in accordance with the guidelines issued by the Government. In view of the said modification that has been made in G.O.Ms.No.196 dated 10.08.2017, the direction given by the writ court through the impugned order to give notional promotion to the writ petitioner on par with his juniors may not be justifiable



and therefore on that ground mainly the present appeal has been directed against the order passed by the Writ Court, she contended.

9. We have also heard Mr.K.M.Ramesh, learned Senior Counsel appearing for the third respondent / writ petitioner.

10. After having heard the learned Senior Counsel appearing for the appellant department and after going through the materials placed on record, we are not impressed with the submissions made by the learned Senior Counsel citing G.O.Ms.No.196 dated 10.08.2017, for the reason that, as far as the third respondent is concerned, he becomes eligible to hold the post or get promotion to the post of Senior Assistant Manager as early as on 11.01.1999 as he had completed six years qualifying service as per the then existing Rules. This was accepted by the employer ie., the Board in its 64th meeting. Therefore, appropriate proposal also was forwarded to the Government, of course belatedly on 06.04.2001. The Government did not act upon, but kept it pending. Thereafter, though a modification was inserted making the qualifying service from six years to eight years vide G.O.Ms.No.196 dated 10.08.2017, such enhancement would not apply to the writ petitioner as he become qualified in the year 1999 itself as per the then existing Rules.



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11. When that being the position, G.O.Ms.No.196 issued at a later date ie., on 10.08.2017, whereby the scheme has been changed or new qualification has been inserted for getting further promotion to the post of Selection Grade Assistant Manager or Deputy Manager, as the case may be is concerned, that would not have to be stretched upon or made applicable to the employees who became otherwise eligible as per the then existing rules.

12. Since only after considering these aspects the learned Judge has allowed the writ petition through the impugned order, we do not find any reason to interfere with the approach and conclusion arrived at by the learned Judge. When that being the position, the present appeal is devoid of merits and therefore it is liable to be dismissed. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that the direction given by the learned Writ Court shall be complied with by the appellant Transport Department within a period of two months from the date of receipt of a copy of this order.

(R.S.K.,J.) (S.S.A.,J.)
25-02-2026

Index: Yes/No
Neutral Citation: Yes/No
KST



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2. The Convener
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TNSTC Employees Pension Trust, Thiruvalluvar
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