



WP(MD) NO. 11137 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-04-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 11137 of 2022

and W.M.P(MD)Nos.7978 & 7979 of 2022

S. Dharmaraj

Petitioner(s)

Vs

1. The Managing Director
Tamil Nadu State Transport Corporation (Madurai) Ltd.
Bye-Pass Road
Madurai- 625 016.

2. The General Manager
Tamil Nadu State Transport Corporation (Madurai) Ltd.
Virudhunagar Division
Virudhunagar.

3. The Branch Manager
Tamil Nadu State Transport Corporation (Madurai) Ltd.
Virudhunagar.

Respondent(s)

For Petitioner(s) : M/s. K.K.Kannan

**For Respondent(s): Mr.Ka.Ramaiah,
Gokul Standing Counsel**



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Prayer: . Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, call for the entire records connected with the impugned order passed by the 2nd respondent in TNSTC/Virudhu/Admin /A1/422/2017 dated 26.10.2017 and quash the same and directing the 2nd respondent to permit the petitioner in the post of Foreman with effect from 25.01.2017 with all consequential monetary benefits, attendant benefits, arrears of salary and regularization of service as Foreman as per the petitioner's representation dated 31.10.2017.

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the 2nd respondent in TNSTC/Virudhu/Admin/A1/422/2017 dated 26.10.2017 and to direct the 2nd respondent to permit the petitioner to continue in the post of Foreman with effect from 25.01.2017, along with all consequential monetary and attendant benefits, arrears of salary, and regularization of service as Foreman, as per the petitioner's representation dated 31.10.2017.

2. The petitioner initially joined as a Helper in the Rani Mangammal State Transport Corporation at Dindigul in 1988. Thereafter, he was posted as a



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Junior Tradesman and subsequently promoted as Assistant Tradesman. Following the incorporation under the Tamil Nadu State Transport Corporation, the petitioner continued his service and was working as a Selection Grade Tradesman during 2017. The petitioner was promoted as Foreman based on seniority, vide order dated 25.01.2017, and was posted at CPD, Virudhunagar. He continued to work as Foreman up to 12.10.2017.

3. The petitioner's daughter's marriage was fixed on 03.09.2017, and he sought leave for the same. However, the respondents failed to grant leave and allegedly subjected him to pressure, due to which he fell into depression. The respondents further pressurized him to accept reversion from the post of Foreman to Selection Grade Tradesman. Left with no alternative, the petitioner submitted a letter dated 09.10.2017 requesting cancellation of his promotion. The petitioner further submitted that the said letter was not given out of free will but under coercion. He subsequently withdrew the said letter within 60 days and submitted several representations requesting cancellation of the reversion. However, the respondents failed to consider the same and passed the impugned order on 26.10.2017. Hence, this writ petition.



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4. The respondents filed a detailed counter stating that the petitioner was promoted on 25.01.2017. On 09.10.2017, the petitioner submitted a representation seeking reversion from the post of Foreman to Selection Grade Tradesman due to family disputes. Accepting the same, the 2nd respondent passed the reversion order on 26.10.2017. After passing the order the petitioner had given a representation dated 31.10.2017 requesting to continue as Tradesman and had also stated that he would not claim future promotions. This request was not considered. The respondent further stated that the petitioner continued in the post of Foreman until 12.10.2017, after which he was posted as Selection Grade Tradesman at the Sattur branch. When the subsequent seniority list of Special Grade Tradesmen as on 01.10.2019 was prepared in which the petitioner's name was not included. The respondents furthermore stated that the writ petition is filed after a delay of five years, is not maintainable. The respondents reserved their rights to file additional counter, if necessary.

5. After hearing the rival submissions, this Court had given its anxious consideration. It is seen that the petitioner was promoted on 25.01.2017 and he had



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worked in the promoted post until 12.10.2017 i.e. for more than eight months. It is thereafter the petitioner had submitted a request of “unwillingness” to the promoted post, which indicates that there is coercion as claimed by the petitioner. Specifically, the petitioner had stated that the petitioner sought leave for his daughter’s marriage which was refused and an option was given to submit a letter indicating “unwillingness to the promotion”. Hence the petitioner had submitted such letter. Thereafter, the petitioner after completing the marriage, had submitted another letter to withdraw the said “unwillingness letter”. In other words, the petitioner had submitted unwillingness for promotion on 09.10.2017 and again submitted letter dated 31.10.2017 to withdraw of earlier letter. The respondents ought to consider such letters before publishing the promotion list. In the present the petitioner was already promoted on 25.01.2017 itself. Therefore, this Court is of the considered opinion that there is coercion.

6. It is seen that the petitioner had expressed unwillingness for promotion on 09.10.2017. Whenever the employee is submitting unwillingness for promotion, resignation etc. then the employer / respondents ought to have granted a



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reasonable period to rethink and explain the consequences, thereafter pass an order.

Such effort is one of the facets of natural justice. No such efforts were taken by the respondents, hence there is violation of natural justice.

7. The petitioner further submitted that his daughter's marriage was fixed on 03.09.2017 and that leave was not granted. The respondents, in their counter, have also referred to family disputes. Considering these circumstances, this Court is of the considered opinion that the petitioner's letter dated 09.10.2017, submitted while he was under mental distress, ought to have been dealt with cautiously. An employer is expected to handle employees in distress with sensitivity. The respondents ought to have explained the consequences of such a request before acting upon it. This effort is absent in the present case.

8. The respondents further stated that the petitioner had relinquished future promotional opportunities, it is seen that subsequently, on 01.10.2025, the petitioner's name was included at Serial No. 6 in the seniority list. This contradicts the stand taken in the counter affidavit.



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9. In view of the above, this Court holds that the petitioner is entitled to promotion with effect from 25.01.2017. The petitioner had also served in the promoted post from 20.05.2017 to 12.10.2017. It is stated that the petitioner is attaining superannuation this year i.e. 2026. Therefore, the petitioner is entitled to all consequential monetary and service benefits from 25.01.2017 until his superannuation in the post of Foreman.

10. Accordingly, the impugned order passed by the 2nd respondent in TNSTC/Virudhu/Admin/A1/422/2017 dated 26.10.2017 is hereby set aside. The respondents are directed to grant the petitioner the promoted post from 25.01.2017 until his superannuation in the post of Foreman along with all attendant monetary and service benefits forthwith.



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11. With the above directions, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

22-04-2026

Index : Yes / No

NCC : Yes / No

KSA

Note : Issue a copy of order on 30.04.2026



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S.SRIMATHY, J.

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