

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO.10704 OF 2015

Baskarapandian

... Petitioner

Vs.

- 1.Union of India represented by
The Chief Secretary to Government,
Government of Puducherry,
Puducherry-605 001.
- 2.Pondicherry Market Committee,
Represented by its Secretary,
Agricultural Complex,
Thattanchavady,
Puducherry-605 009.
- 3.V.Ramakrishnan,
Senior Supervisor,
Inspector of Licensed Premises Section,
Pondicherry Market Committee,
Tahtanchavady,
Puducherry-605 009

... Respondents

PRAYER: Petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Mandamus, to direct the respondents to hold a review Department Promotion Committee and consider the petitioner for promotion to the post of Senior Supervisor, from the date of promotion of the third respondent with all seniority, service, monetary benefits and backwages and pass further orders.

For petitioner : Mr. S.Aji Kumar for
M/s.Sai Bharath and Ilan

For respondents : Mr. K.S. Ilangovan for R2

O R D E R

This writ petition has been filed by Mr. Baskarapandian seeking for issuance of a Writ of Mandamus, to direct the respondents to hold a review Department Promotion Committee and consider the petitioner for promotion to the post of Senior Supervisor, from the date of promotion of the third respondent with all seniority, service, monetary benefits and backwages.

2. Learned counsel appearing for the petitioner would submit that the impugned order has been challenged on the ground that when a seniority list was circulated by the Secretary in Memorandum No.27/PMC/2004-05 dated 24.08.2004, he was assigned with the seniority position No.6, whereas the third respondent Mr.V. Ramakrishnan was assigned the seniority position below him and ranked 8. After some time in the year 2010, a vacancy arose in the said post which fell under the Scheduled Caste quota. Therefore, the grievance of the petitioner is, without considering the petitioner whose seniority position was at No.6, above the third respondent, over looking his seniority, by order dated 21.09.2010, the third respondent was promoted.

3. Heard Mr.K.S. Ilangovan, learned counsel takes notice for the second respondent. By consent of the parties, the petition was taken up for disposal at the stage of admission itself.

4. The fact remains to be seen by this Court is, the petitioner being a migrant, was assigned with seniority position No.6, while the third respondent is in Pondicherry origin. Subsequently, the Hon'ble Supreme Court by order dated 07.08.2014 in Civil Appeal Nos.10829 & 10830 of 2010, has held that as long as one is resident no difference can be shown, whether he is a 'migrant' or 'Pondicherry origin'. As the order came to be passed by Hon'ble Supreme Court much after the promotion given to the third respondent, this Court is not able to answer the prayer of the petitioner. That apart, the third respondent also belongs to Scheduled Caste community. Besides, as mentioned above, he is a Pondicherry origin. On the date of giving promotion, the Rule invoked was in favour of the third respondent. Therefore, this Court is not able to see any merits in the Writ Petition.

5. Accordingly, the writ petition fails and the same is dismissed. No order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

avr

To

1.The Chief Secretary to Government,
Union of India
Government of Puducherry,
Puducherry-605 001.

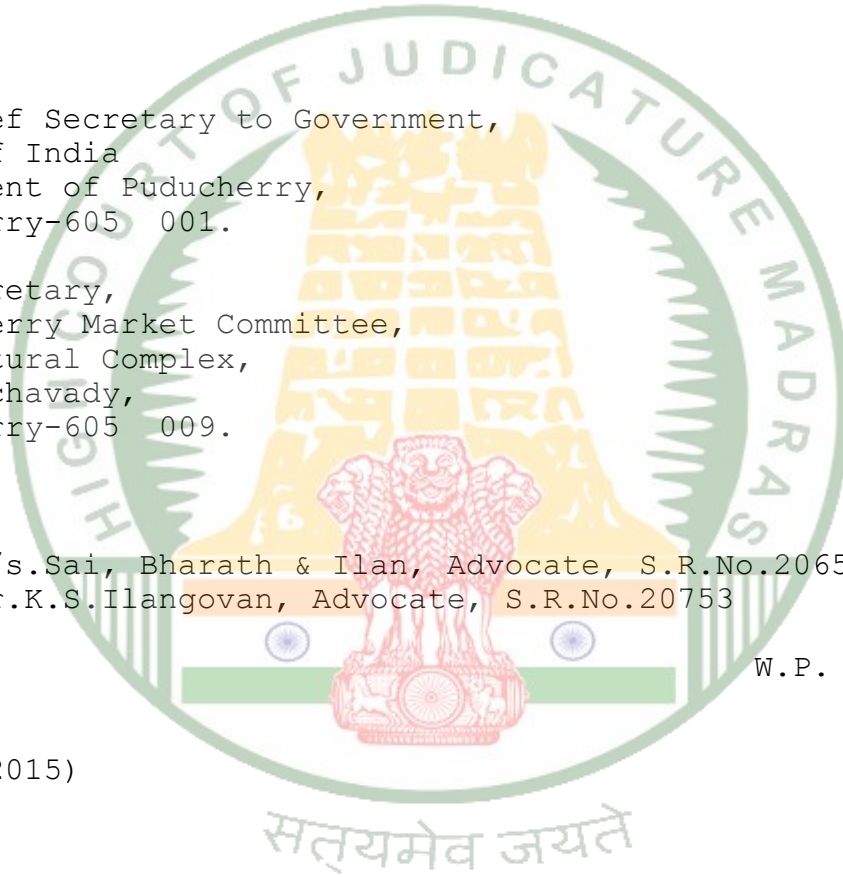
2.The Secretary,
Pondicherry Market Committee,
Agricultural Complex,
Thattanchavady,
Puducherry-605 009.

+1cc to M/s.Sai, Bharath & Ilan, Advocate, S.R.No.20652

+1cc to Mr.K.S.Ilangovan, Advocate, S.R.No.20753

W.P. No.10704 of 2015

PVR(CO)
CA(27/05/2015)



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