

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22342 OF 2015

R.Boopathy

... Petitioner

-vs-

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The Director of Town Panchayats,
Kuralagam,
Chennai.
3. The Assistant Director of Town Panchayats,
Coimbatore District,
Coimbatore.

.... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the third respondent in Na.Ka.No.2702/2014/TP2, dated 19.02.2015, in so far as the petitioner is concerned at S.No.3, will have to be quashed and consequently necessary directions will have to be issued to the respondent to fix his seniority in the post of Junior Assistant in the year 2001-2002 as G.O.Ms.No.202 [MAWS (TPI)], dated 27.12.2013, and pay all attendant and monetary benefit with effect from December 2007 on par with his batchmates who were promoted as Junior Assistants as per GO Ms.No.157 [MAWS (TP10) Dept], dated 29.11.2007.

For petitioner : Mr.V.Vijay Shankar

For respondents : Mr.S.Navaneethan,
Addl.Govt.Pleader.

O R D E R

The petitioner joined as a Record Clerk in Town Panchayat service in the year 1997. When a panel was drawn in the year 2005 for promotion to the post of Junior Assistant from the post of Record

Clerk, the name of the petitioner was included, but not considered, i.e., G.O.Ms.No.157, dated 29.11.2007, was issued, promoting the empanelled persons as Junior Assistants, excepting the petitioner, as a departmental proceeding was pending against him.

2. After the conclusion of the disciplinary proceeding, the Government, vide G.O.Ms.No.202 [MAWS (TPI) Department], dated 27.12.2013, promoted the petitioner as Junior Assistant with effect from the year 2001-2002, based on the panel referred to above.

3. While so, in the proceedings Na.Ka.No.2702/2014/P2, dated 09.01.2015, the third respondent issued seniority list of Junior Assistants/Bill Collectors, and the petitioner is not considered as Junior Assistant for the year 2001-2002 and his seniority was not fixed accordingly. Hence, he has filed this Writ Petition, seeking to quash the aforesaid seniority list in so far as the petitioner is concerned and to fix him at an appropriate place, by taking into account G.O.Ms.No.202, [MAWS (TPI) Department], dated 27.12.2013.

4. In view of the above developments, I am of the prima facie view that the learned counsel for the petitioner is correct in his submission that the third respondent should have taken into account G.O.Ms.No.202, promoting the petitioner as Junior Assistant with effect from the year 2001-2002, while fixing the seniority of Junior Assistants/Bill Collectors in the impugned seniority list, dated 19.02.2015. However, I am not inclined to quash the entire order, as the same would cause prejudice to the persons, who are included in the seniority list.

5. Under the circumstances, the third respondent is directed to consider the claim of the petitioner to fix his seniority at the appropriate place in the seniority list, dated 19.02.2015, by taking into account his promotion to the post of Junior Assistant in the year 2001-2002 as per G.O.Ms.No.202, dated 27.12.2013, referred to above, and pass orders within a period of four weeks from the date of receipt of a copy of this order.

6. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2015 are closed.

-Sd/-

Assistant Registrar(co)

//True copy//

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The Director of Town Panchayats,
Kuralagam,
Chennai.
3. The Assistant Director of Town Panchayats,
Coimbatore District,
Coimbatore.

+lcc to Mr.V.Vijay shankar, Advocate sr.38274

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rj[co]
srg 11.08.2015



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