

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10588 of 2016
and
WMP.No.9279 of 2016

B.Lakshmanan

... Petitioner

Vs.

The Director,
Animal Husbandry &
Veterinary Services,
Chennai - 600 006.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to revise the date of regularization and also to restore the seniority of the petitioner in the cadre of Junior Assistant and to grant consequential benefit of promotions to the cadre of Assistant, Superintendent and Manager after affording reasonable opportunity to the aggrieved persons if any, for which the petitioner has lastly made a representation dated 15.12.2015 to the respondent.

For Petitioner : Mr.R.Malaichamy

For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioner seeking a writ of Mandamus, directing the respondent to revise the date of his regularization and also, to restore his seniority in the cadre of Junior Assistant and to grant him consequential benefit of promotions to the cadre of Assistant, Superintendent and Manager, after affording a reasonable opportunity to the aggrieved persons if any, based on his representation dated 15.12.2015.

2.It is stated by the petitioner that he was selected as 'Junior Assistant' through Group-IV Service by the Tamilnadu Public Service Commission vide letter Re.No.8956/4/86 dated 27.11.1986 as per rule of reservation and joined the office of the respondent on 09.01.1987. The regularization of petitioner's

service in the post of Junior Assistant was revised from 14.08.1987 FN to 02.04.1987 F.N., based on the date of joining of the seniors vide Rc.No.50117/R2/90 dated 14.08.1992 of the respondent, based on the orders issued in G.O.Ms.No.429/Personnel and Administrative Reforms Department dated 17.04.1986. It was stated that the petitioner's inter-se seniority in the post of Junior Assistant was fixed at Sl.No.9 based on the date of regularization of his service as on 14.08.1987 vide proceedings dated 15.08.1996, based on the orders issued in G.O.Ms.No.951/P&AR/dated 14.09.1984, G.O.Ms.No.548/P&AR /Dept. dated 19.06.1987 and G.O.Ms.No.471/P&AR Dept. dated 01.12.1993 in the combined seniority list of Junior Assistant/Typists/Steno Typists as on 31.12.1995 respectively. While so, suddenly, the petitioner's inter-se seniority was revised by the respondent, without any reason, and seniority was moved from Serial No.9 to Serial No.39 in the combined seniority list as on 31.12.1995 and since there are lot of discrepancies in the combined seniority list, the petitioner has made several representations to the respondent. As the same were not considered by the respondent, the petitioner has come forward with the present petition.

3.Heard Mr.R.Malaichamy, learned counsel appearing on behalf of the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader takes notice for the respondent.

4.The learned counsel for the petitioner, while drawing the attention of this Court to the letter of the respondent in Na.Ka.No.3390/R1/2016 dated 27.01.2016 along with the annexure enclosed therein, submitted that one Mr.D.Ramasamy, shown in Serial No.7 in the seniority list should be placed as immediate senior to the petitioner and Tmt.S.Elizabeth, shown in Serial No.8 should be placed below the petitioner. He further submitted that the petitioner should be placed between the above said persons and therefore, pleaded to consider the prayer of the petitioner.

5.Though the petitioner has contended that he should be placed between D.Ramasamy and S.Elizabeth in the combined seniority list, he is not able to establish his case stating that the said Tmt.S.Elizabeth is junior to him. Further, the petitioner has failed to produce the relevant documents viz., combined seniority list for both Typist and Junior Assistant issued by the respondent and to prove the date of his appointment in the office of the respondent. In view of the same, this Court is not inclined to give any direction to the respondent and hence, accordingly, the Writ Petition fails.

6.In the result, the Writ Petition is dismissed.
Consequently, the connected Miscellaneous Petition is also closed. No costs.

DP

s/d-
Assistant Registrar(CS.VII)

True Copy

Sub-Assistant Registrar

To

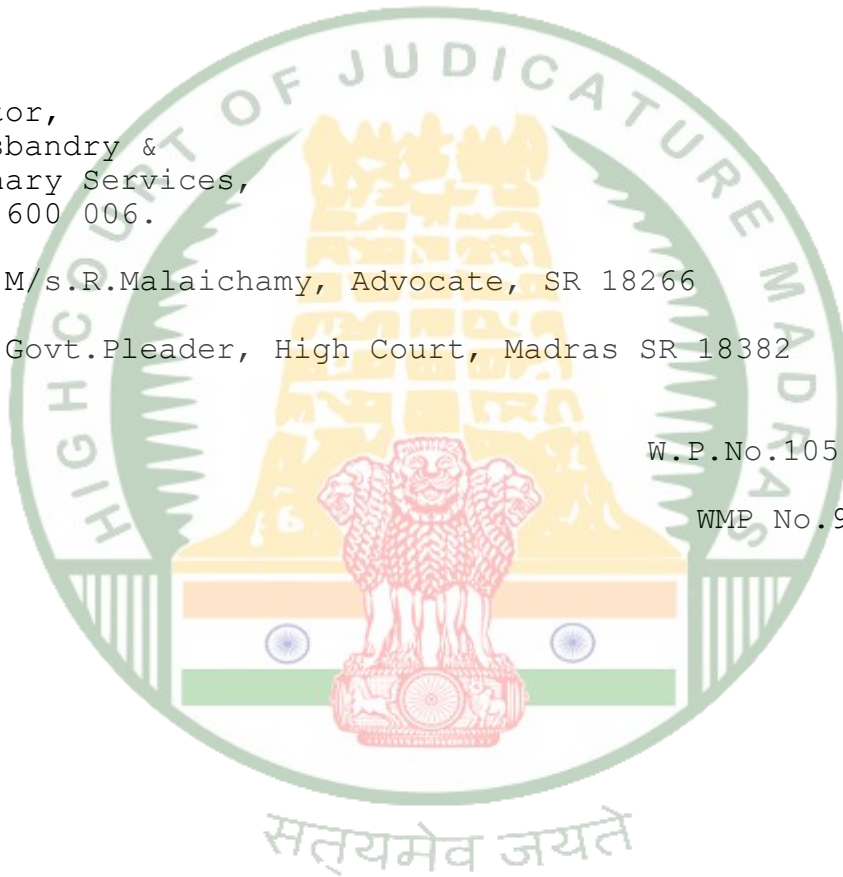
The Director,
Animal Husbandry &
Veterinary Services,
Chennai - 600 006.

+ 1 cc to M/s.R.Malaichamy, Advocate, SR 18266

+ 1 cc to Govt.Pleader, High Court, Madras SR 18382

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