

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.14847 of 2016

M.Meenakshi Sundaram

.. Petitioner

-vs-

The Secretary to Government
of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to grant him promotion to the post of Executive Officer Special Grade on par with his junior K.Bhojan with all attendant and consequential benefits including revised pension and other terminal benefits in light of the appeal preferred by the petitioner on 15.08.2013 followed by reminders on 09.03.2014, 17.09.2014, 02.05.2015 and 20.02.2016.

For Petitioner : Mr.V.Vijay Shankar

For respondent : Mr.S.Gunasekaran,
Additional Government Pleader

O R D E R

The petitioner M.Meenakshi Sundaram, has come to this Court, seeking a direction to the respondent to grant him promotion to the post of Executive Officer Special Grade on par with his junior K.Bhojan with all attendant and consequential benefits including revised pension and other terminal benefits in the light of the appeal preferred by the petitioner on 15.08.2013 followed by reminders on 09.03.2014, 17.09.2014, 02.05.2015 and 20.02.2016.

2.It is the case of the petitioner that he joined service in the Town Panchayat as Junior Assistant on 01.06.1976. He was later promoted as Executive Officer Grade -II, Executive Officer Grade - I and Selection Grade Executive Officer on 11.05.1992, 13.12.1995 and 21.12.1999 respectively. In the seniority list published on 12.07.2013, to the posts of Executive Officer

Grade-II, Executive Officer Grade-I, Selection Grade Executive Officer, his name finds place at Sl.Nos.148 for the year 1993-94, 165 for the year 1999-2000 and 179 for the year 2004-05 respectively. Based on the operation of the District Level Seniority List, his junior one K.Bhojan, who joined the Ministerial Service in the year 1982, got promotion as Executive Officer Grade-II, Executive Officer Grade-I, Executive Officer Selection Grade and Executive Officer Special Grade.

3.Learned counsel appearing for the petitioner would submit that when the petitioner retired from service on 31.01.2007, he was holding the post of Executive Officer Selection Grade, whereas his junior K.Bhojan was holding the post of Executive Officer Special Grade, though the petitioner was promoted to the said post as early as on 20.06.2005. Again he would submit that the said Mr.K.Bhojan was actually below the petitioner in the Executive Officer Grade-I for the year 1999 at Sl.No.225 and in the Selection Grade for the year 2004-05 at Sl.No.224, while so, the petitioner preferred an appeal to the respondent as stipulated in the proceedings of the Director dated 12.07.2013, after the list was circulated on 15.08.2013. As there was no reply from the respondent, he sent reminders on 09.03.2014, 17.09.2014, 02.05.2015 and 20.02.2016. Since the same are pending without any progress, he has come before this Court.

4.Learned counsel appearing for the petitioner would further submit that the petitioner only came to know the fact recently that the petitioner's junior was promoted to the post of Executive Officer Special grade, when the seniority list was published on 12.07.2013, therefore, the present writ petition deserves to be entertained. But I do not find any merit in the submission made by the learned counsel appearing for the petitioner. In para 5 of the affidavit, the petitioner has clearly admitted that when the petitioner retired from service on 31.01.2006 from the post of Executive Officer, Selection Grade, his junior Mr.Bojan was holding the post of Executive Officer, Special Grade, as he was also promoted to the said post as early as on 20.06.2005. While so, when the petitioner has not questioned the placement of his junior K.Bojan at the time of his retirement on 31.01.2006, merely for the reason that he came to know of the proceedings dated 12.07.2013 and hence he is entitled to come to this Court in 2011 cannot be entertained. Even if it is presumed that the petitioner came to know of the release of the proceedings dated 12.07.2013, it is not known why the petitioner has again wasted another three years to come to this Court in 2016 in the guise of waiting for an order on his representation. Therefore, looking at the case of the petitioner

on any angle, the writ petition has no merits. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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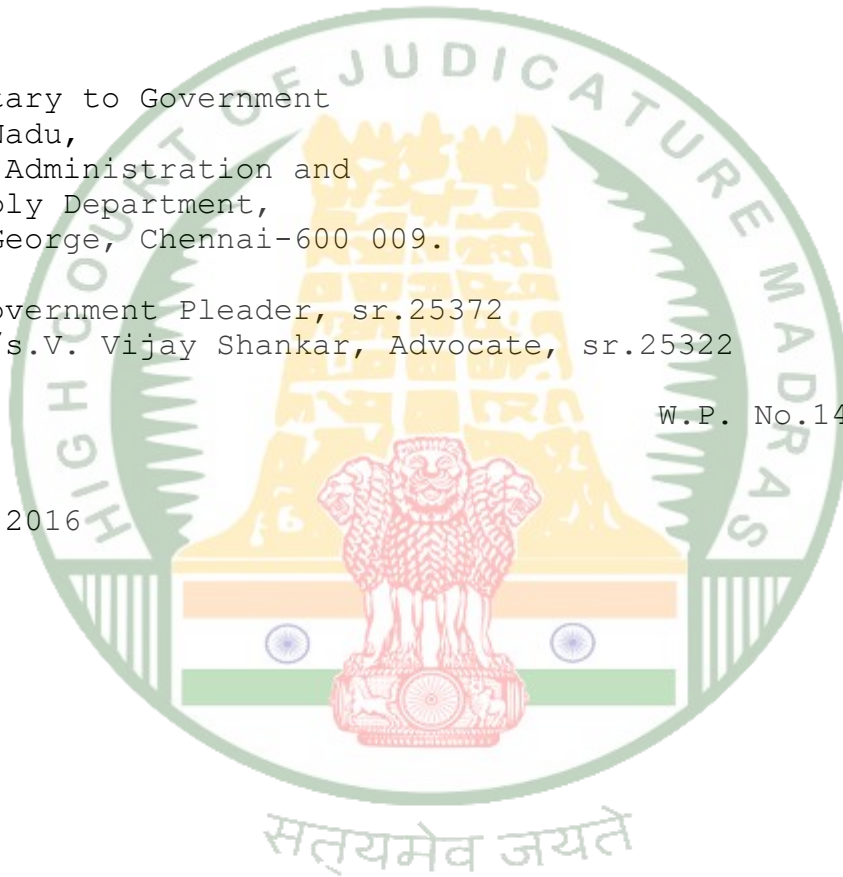
To

The Secretary to Government
of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.

1 cc to Government Pleader, sr.25372
1 cc to M/s.V. Vijay Shankar, Advocate, sr.25322

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