

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22244 of 2016

B.T.Vaidhegi

.. Petitioner

Vs.

1.The State of Tamil Nadu rep.
by its Secretary,
Home Department,
Fort St. George,
Chennai- 600 009.

2.The Director General of Police,
O/o.Director General of Police,
Chennai -600 004.

3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to pass orders on the representation dated 12.09.2012 and the reminder dated 12.04.2016 seeking revision/ re-fixation of seniority on the basis of the proposal of the second respondent made in Rc.No.151912/NGB VI (1)/2012 dated 07.01.2013 on merits and as per Rules, within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.K.Rajaperumal, GA

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has filed this writ petition for a Mandamus, to direct respondents 1 to 3 to pass orders on the representation dated 12.09.2012 and the reminder dated 12.04.2016 seeking revision/ re-fixation of seniority, on the basis of the proposal of the second respondent made in Rc.No.151912/NGB VI(1)/2012 dated 07.01.2013 on merits and as per Rules, within a time to be stipulated by this Court.

3. The case of the petitioner is that she was initially appointed as Steno typist in 1987 through Tamil Nadu Public Service Commission and subsequently, promoted as Superintendent and is continuously working in such capacity. According to the petitioner, the seniority of the TNPSC candidates ought to have been placed and fixed at first along with the same batch mates as per the merit list issued by the TNPSC and the persons appointed through compassionate appointment or under 10(a)(i) or through any other mode of recruitment ought to have been placed below the TNPSC candidates. However, without following the relevant Rules, the second respondent has published the seniority list, which denied and deprived the petitioner from availing her legal entitlement and legitimate expectation. Hence, she made a representation dated 12.09.2012 to the first respondent through the second respondent, requesting to issue fresh seniority list in accordance with the relevant Rules. On receipt of the same, the second respondent sent an endorsement to the petitioner that the request sought for in her representation was not feasible for compliance, as the same has been submitted belatedly. However, the second respondent, by his proceedings dated 07.01.2013 sought for views of the TNPSC on the subject matter. Since there was no response, the petitioner has sent a reminder dated 12.04.2016 to the first respondent. Even receipt of the same, there was no response. Therefore, the petitioner has come up with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

5. Considering the limited prayer sought for herein, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the petitioner's representation dated 12.09.2012 and the reminder dated 12.04.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home Department,
Fort St. George, Chennai- 600 009.

2.The Director General of Police,
O/o.the Director General of Police,
Chennai 600 004.

3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 3.

1 cc to Mr.L.Chandrakumar, Advocate, sr.36186

1 cc to Government Pleader, sr.36345

W.P.No.22244 of 2016

ctk co
kra 23.07.2016

सत्यमेव जयते
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