

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.12468 of 2013

P.Mahalingam

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep by The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat, Chennai-9.
- 2.The Director of Town Panchayats,
Kuralagam,
NSC Bose Road,
Chennai-600 108.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondents to consider and pass orders on the representation of the petitioner, dated 3.8.2012 to the Ist Respondent and received by the Ist respondent on 6.8.12 and direct the respondent to restore his seniority on par with his junior Thiru R.Jayabal and allow notional benefits in accordance with law.

For Petitioner : Ms.S.Hemalatha

For Respondents : Mr.K.Rajendra Prasad, GA

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondents.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner, dated 3.8.2012, and to restore his seniority, on par with his junior, R.Jayabal, and grant notional benefits, in accordance with law.

3 It has been stated that the petitioner had been appointed in the Town Panchayat, as Junior Assistant, on 10.6.1971. Later, he had been absorbed in the Tamil Nadu Ministerial service, as per the Government Order, in G.O.Ms.No.64, Rural Development Department, dated 5.2.1985. Having served in various capacities, in the Tamil Nadu Panchayat Subordinate Service, the petitioner had retired from service, on attaining the age of superannuation, on 30.04.2007. The petitioner had further stated that the State level seniority of the petitioner, in the Tamil Nadu Panchayat Subordinate Service, had not been fixed, properly. In such circumstances, some affected persons had filed original applications, before the Tamil Nadu State Administrative Tribunal, in O.A.Nos.2526, 2916, 3116 and 3937 of 1990. The Tribunal had passed orders, on 25.4.1994, stating that the State level seniority should be fixed, for the selection grade Executive Officers and that promotions should be based on such seniority list, covering the entire service, from the date of the entry of the candidate into the category of the ministerial service. The said order had also been upheld by the Supreme Court, in S.L.P. No.17335 of 1996, on 14.3.1997. However, the name of the petitioner had not been considered for fixation of the seniority in the Tamil Nadu Panchayat Subordinate Service and appropriate benefits had not been granted to the petitioner. In such circumstances, the petitioner had made a representation, dated 3.8.2012. Since the said representation had not been disposed of by the first respondent, the petitioner had preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4 The learned counsel, appearing on behalf of the respondents, had stated that the claim made by the petitioner, in the present writ petition, is belated in nature. It has been further stated that the order passed by the Tamil Nadu State Administrative Tribunal, in the Original Applications mentioned above, is applicable only to the applicants, who had approached the Tribunal. The said fact had also been recorded by the Supreme Court, in the S.L.P. filed by the respondents. The learned counsel appearing on behalf of the respondents had also raised certain objections with regard to the disposal of the representation of the petitioner.

5 In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents, this Court finds it appropriate to direct the first respondent to consider the representation of the petitioner, dated 3.8.2012 and pass appropriate orders thereon, on merits and in accordance with law, within a period of three months from the date of the receipt of a copy of this order.

6 The writ petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water Supply
Department,
Secretariat, Chennai-9.

2.The Director of Town Panchayats,
Kuralagam,
NSC Bose Road,
Chennai-600 108.

+1cc to Mr.Pakianathan, Advocate Sr.54101

+1cc to the Government Pleader Sr.54208

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srg 19/10/2016

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