

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37573 of 2016

and W.M.P.No.32196 of 2016

T.Sundarrajan

... Petitioner

vs.

- 1 Government of Tamil Nadu
Reptd. by Secretary Revenue Department Fort
St. George Chennai-600 009
- 2 The Commissioner
survey and Land Records Department Chepauk
Chennai-600 005.
- 3 The Secretary
Tamil Nadu Public Service Commission Chennai
... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to fix seniority of the petitioner in the cadre of Assistant as on the date on which he was promoted / transferred to the post of Assistant namely 29.9.1988 with all consequential service and monetary benefits by considering his representation dated 6.10.2016 within a time limit that may be fixed by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to fix his

seniority in the cadre of Assistant as on the date on which he was promoted / transferred to the post of Assistant namely on 29.9.1988 with all consequential service and monetary benefits by considering his representation dated 6.10.2016 within a time limit that may be fixed by this Court.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner was appointed as Steno Typist on 13.1.1984 on temporary basis and subsequently, his service was regularized on 25.6.1984. Thereafter, on 29.9.1988, he was promoted as Assistant and on 3.9.2009, he was promoted as Superintendent.

(b) When the question of promotion to the post of Assistant came up for consideration, as per G.O.Ms.No.224, Personnel and Administrative Reforms Department dated 8.3.1984, the Government fixed the ratio of 4:1, as per which 4 promotional post of Assistant will be earmarked for typists and the remaining 1 post for typists / steno-typists. Challenging the same, the Typists / Steno-typists approached the Tamil Nadu Administrative Tribunal by filing T.A.No.1449 of 1989 and the Tribunal, by order dated 27.11.1982, set aside the said GO, holding that the said ratio will adversely affect the seniority already fixed by the Tamil Nadu Public Service Commission while filling up the vacancies. Thereafter, the Government by letter dated 24.10.1997, pointed out that the ratio of 4:1 will be followed for the vacancies which arose prior to 27.11.1992 and for the vacancies that arose after 22.11.1992, the inter se seniority may be fixed between the Junior Assistants and Typists / Steno-typists as per the order of the Tribunal.

(c) Aggrieved by the said letter dated 24.10.1987, O.A.No.8495 of 1997 was filed before the Tribunal and after abolition of the Tribunal, the said OA was transferred to this Court and renumbered as W.P.No.28300 of 2005 and this Court by order dated 4.4.2006 allowed the said writ petition holding that the fixation of 4:1 ratio for promotion to the post of Assistant among Junior Assistants and Typist/ Steno-typist is untenable. Assailing the said order, a writ appeal was filed in W.A.No.1145 of 2006 and the same was dismissed. Thereafter, SLP was filed before the Hon'ble Supreme Court and the same was also dismissed. Subsequently, the Government has implemented the judgment of the Hon'ble Supreme Court in respect of the officials of Municipal Administration and Water Supply Department vide G.O.Ms.No.108, Personnel and Administration Reforms Department dated 26.10.2015. Even thereafter, the second respondent has not passed any orders fixing the seniority of the petitioner in the cadre of Assistant from 29.9.1988 / 1.6.1988. In this regard, the petitioner sent a representation dated 6.10.2016 to the respondents. Since the same was not

considered so far, left with no other alternative, the petitioner has come up with the present writ petitions for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the petitioner has already given a representation dated 6.10.2016 to the respondents and it would suffice, if a direction is given to the respondents to consider the said representation in the light of G.O.Ms.No.108, Personnel and Administration Reforms Department dated 26.10.2015.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 6.10.2016 seeking fixation of his seniority in the cadre of Assistant as on the date on which he was promoted / transferred to the post of Assistant namely on 29.9.1988 with all consequential service and monetary benefits and pass appropriate orders, on merits and in accordance with law and also as per G.O.Ms.No.108, Personnel and Administration Reforms Department dated 26.10.2015, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government
Government of Tamil Nadu
Revenue Department Fort
St. George Chennai-600 009
- 2 The Commissioner
survey and Land Records Department Chepauk
Chennai-600 005.

3 The Secretary
Tamil Nadu Public Service Commission Chennai

+1 cc to M/s.P.Ganesan,advocate,sr.62016

+1 cc to Govt.Pleader,sr.62491.

rsi(co)
krd 5/12

W.P.No.37573 of 2016



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