

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.42980 to 42986/2016

A.Srinivasan	..	Petitioner in
		WP.No.42980/2016
M.Karthikeyan	..	Petitioner in
		WP.No.42981/2016
M.Ramachandran	..	Petitioner in
		WP.No.42982/2016
S.Yasodha	..	Petitioner in
		WP.No.42983/2016
J.Karthikeyan	..	Petitioner in
		WP.No.42984/2016
C.Kalidoss	..	Petitioner in
		WP.No.42985/2016
R.Gohilavani	..	Petitioner in
		WP.No.42986/2016

Vs

The Director of Public Libraries	..	Respondent in
Chennai 600 002.		all WPs.

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider and pass appropriate orders on the representation of the petitioner dated 06.06.2016, 06.06.2016, 06.06.2016, 06.06.2016, 06.06.2016, 01.08.2016 and 05.09.2016 to fix their pay on par with their junior Velus Rose and to grant monetary benefits with effect from 14.02.2011.

For Petitioners in
all WPs : Mr.S.Selvathirumurugan

For Respondent in
all WPs : Mr.O.R.Maheswaran, GA [Edn]

COMMON ORDER

By consent, the writ petitions are taken up for final disposal by this common order, as the claim made by the petitioners are similar in nature. Mr.O.R.Maheswaran, learned Government Advocate [Education] accepts notice on behalf of the

respondent.

WP.No.42980/2016:-

[a] The petitioner entered into service as Grade-III Librarian on 05.07.1987 and thereafter, promoted as Grade-II Librarian on 21.08.2002 and got further promotion to the post of Grade-I Librarian with effect from 21.06.2003 and according to him, after adoption of Statewide Seniority, his promotion to the post of Grade-I Librarian is deemed to be with effect from 14.02.2011 and it is equivalent to the Inspector of Libraries.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 21.06.2003 on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42981/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 29.09.1988 and got further promotion to the post of Grade-II Librarian on 17.10.2002. At present, he is working as Grade-I Librarian with effect from 01.08.2004 and after adoption of Statewide seniority, he was promoted as Grade-I Librarian with effect from 14.02.2011 and the said post is equivalent to the Inspector of Libraries.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 01.08.2004 on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42982/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 02.06.1988 and got further promotion to the post of Grade-II Librarian on 10.07.2002. He was further promoted as Grade-I Librarian with effect from 14.02.2011 and the said post

is equivalent to the Inspector of Libraries. The petitioner, at present, is working as Incharge District Library officer / Inspector of Libraries at Dindigul District Central Library.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 14.02.2011 and joined the said post on 17.02.2011, on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42983/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 02.04.1988 and got further promotion to the post of Grade-II Librarian on 04.07.2002. He was further promoted as Grade-I Librarian with effect from 14.02.2011 and the said post is equivalent to the Inspector of Libraries. The petitioner, at present, is working as Incharge District Library officer / Inspector of Libraries at Thiruvavarur District Central Library.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 14.02.2011 on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42984/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 29.09.1988 and got further promotion to the post of Grade-II Librarian on 26.12.2001. He was promoted to the post of Grade-I Librarian with effect from the year 2004 and after adoption of Statewide seniority, he was promoted as Grade-I Librarian with effect from 14.02.2011 and the said post is equivalent to the Inspector of Libraries.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post during the year 2004 only, on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42985/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 12.07.1987 and got further promotion to the post of Grade-II Librarian on 08.01.2006. He was further promoted as Grade-I Librarian with effect from 15.02.2011. The petitioner, at present, is working as Incharge District Library officer, Sivagangai / Inspector of Libraries at Ramanathapuram District Central Library.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 01.08.2006 as Grade II Librarian, on account of Statewide Seniority List and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

WP.No.42986/2016:-

[a] The petitioner had entered into service as Grade-III Librarian on 29.09.1988 and got further promotion to the post of Grade-II Librarian on 04.05.2002. He was further promoted as Grade-I Librarian with effect from 14.02.2011 and the said post is equivalent to the Inspector of Libraries. The petitioner, at present, is working as In-charge District Library officer at Erode District Central Library.

[b] The petitioner would state that one Thiru.D.Velus Rose, who is junior to the petitioner, was appointed as Grade-III Librarian on 16.11.1988 and even prior to him, the petitioner has joined the service. Mr.Velus Rose was granted promotion as Grade-I Librarian on 02.01.2003 ; whereas the petitioner was accorded promotion to the said post on 14.02.2011 on account of Statewide Seniority List and since the promotional post was available in the District where he was serving, he was promoted on 02.01.2003 itself and on adoption of Statewide Seniority List, he was promoted as Grade-I Librarian with effect from 14.02.2011.

2 The State Government thought fit to bring the Statewide Seniority List vide G.O.Ms.No.1735, Education Department dated 11.12.1989 and it was put to challenge in OA.No.1370/1990 and the Tribunal directed implementation of the single unit with reference to the date of issue of the said Government Order dated 11.12.1989 and issued certain directions. Challenging the same, the official respondents filed SLP [C] No.14519/1992 etc., batch and it was dismissed on 29.04.1994. The petitioner would further state that after an inordinate delay, the Government has issued Adhoc Rules for temporary post of Inspector of Libraries Grade-I, II, Stock Verification Officer, Librarian etc., in G.O.ms.No.60 dated 27.04.2006 and therefore, appears to have come into force on 01.04.1982 and as a consequence, the State Level Seniority List was released on 29.08.2006 and after inviting petitions, a fresh Seniority List was released on 02.05.2007 and the said list was put to challenge in WP.No.24907/2007 and vide order dated 08.04.2009, the said Seniority List was quashed by this Court. Writ Appeals have been filed and a batch of cases were disposed of by this Court on 20.09.2010, with the following directions:-

"[i]The appellant shall prepare a draft state wide seniority list of librarian grade I / Inspector of libraries within a period of two weeks from the date of receipt of a copy of this order.

[ii]The appellant shall publish the state wide seniority list by bringing to the notice of all the librarians/inspector of libraries and all other persons who may be aggrieved through the District Library Officers.

[iii]The librarians / Inspector of Libraries and other persons aggrieved shall submit their objections, if any to the draft seniority list within a bit of two weeks from the date of receipt of publication of the draft seniority list.

[iv]On receipt of those objections up the applicants shall consider the same and publish the final seniority list the level of four weeks from the date of receipt of the objections from aggrieved persons."

Thereafter, a clarification was sought for by the second parties to the proceedings in WA.No.1173/2010. On 06.12.2010, the Hon'ble Division Bench was pleased to issue a clarification which is as follows:-

"8.For the reasons aforesaid, this clarification petition is allowed and it is directed that in terms of paragraph 7 [i] of the judgment of the petitioners / appellant shall prepare a statewide seniority list of librarian

grade 2 and librarian grade 1 / Inspector of Libraries within a period of two weeks from the date of receipt of a copy of this clarification order and proceed with the matter accordingly."

3 As a consequence of the said order, according to the petitioners, reversion of beneficiaries of the Districtwide seniority list was inevitable. The grievance now expressed by the petitioners is that their pay is to be fixed on par with their junior Thiru Velus Rose and in this regard, the petitioners have submitted representations dated 06.06.2016 ; 06.06.2016, 06.06.2016, 06.06.2016, 06.06.2016, 01.08.2016 and 05.09.2016 respectively to fix their salaries with effect from 14.02.2011 and despite the receipt and acknowledgment, no orders have been passed and hence, they have come forward to file the above writ petitions.

4 The learned counsel for the petitioners would submit that one P.Selvaraj had also filed WP.No.35603/2016 against the respondent herein praying for issuance of a writ of mandamus, directing the respondent to consider and pass appropriate orders on the representation dated 25.02.2016 to fix his pay on par with his junior Velus Rose and to grant monetary benefits with effect from 14.02.2011. A Single Bench of this Court, vide order dated 17.10.2016, has directed the respondent therein to consider and dispose of the representation within the stipulated time in accordance with law and therefore, prays for appropriate orders.

5 Heard the submissions of Mr.O.R.Mageswaran, learned Government Advocate appearing for the respondent and also perused the materials placed before it.

6 Taking into consideration, the limited scope of prayer sought for by the petitioners and without going into the merits of the same, directs the respondent herein to consider and dispose of the petitioners' representations dated 06.06.2016, 06.06.2016, 06.06.2016, 06.06.2016, 06.06.2016, 01.08.2016 and 05.09.2016 respectively on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petitions stand disposed of with the above direction. No costs.

AP

Sd/-
Assistant Registrar

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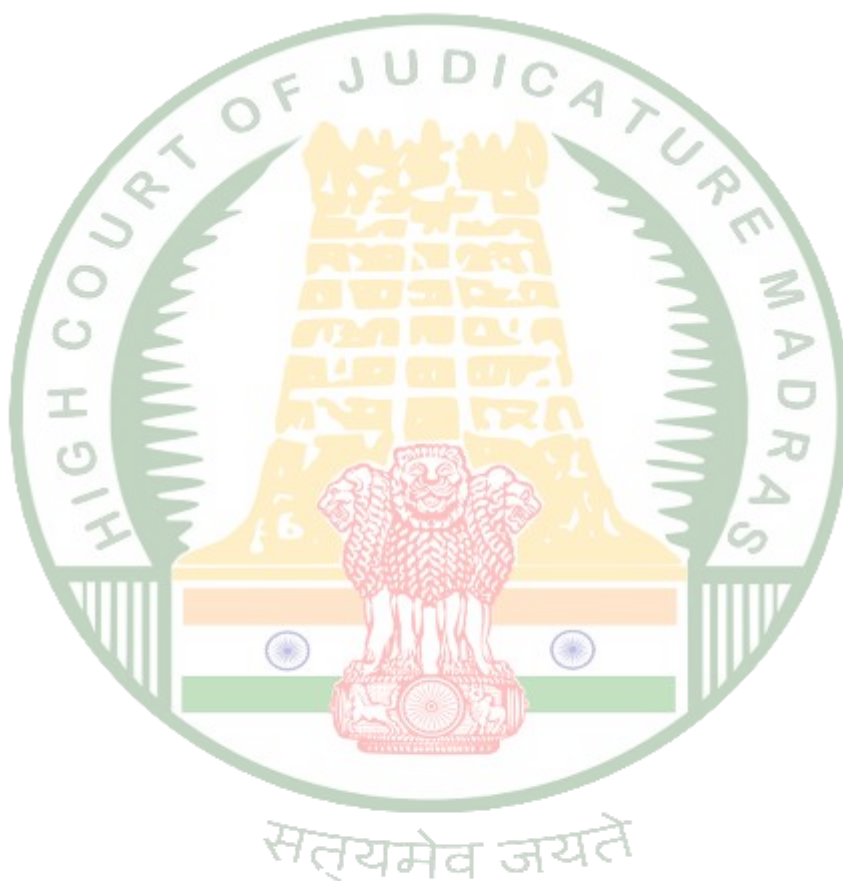
Sub-Assistant Registrar

To
The Director of Public Libraries
Chennai 600 002.

+1CC to Govt Pleader SR.NO.72712, 72704 to 72709

W.P.Nos.42980 to 42986/2016

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