



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) Nos.16751 and 16752 of 2016
and

W.M.P (MD) No.12167 and 12168 of 2016

P.Balachandran ... Petitioner in W.P (MD) No.16751 of 2016
P.Selvam ... Petitioner in W.P (MD) No. 16752 of 2016

Vs.

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, CMDA tower, Egmore, Chennai.
- 2.The General Manager,
(Welfare of the Labor)
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, CMDA Tower, Egmore, Chennai.
- 3.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Madurai.
- 4.The District Manager (south)
Tamil Nadu State Marketing Corporation Ltd.,
Madurai (south). ... Respondents in both WPs

Prayer in Both petitions: Writ Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of Impugned Seniority List which issued by the fourth respondent dated 01.08.2016 and quash the same and consequently direct the respondents to prepare the single list as per the instruction from the first respondent.

For petitioner
in both Wps : Mr.G.V.Vairam Santhosh
For Respondents : Mr.M.Muniyasamy
in both Wps

**COMMON ORDER**

The petitioners/P.Balachandran and P.Selvam were appointed as Shop Supervisors in Tamil Nadu State Marketing Corporation Limited through Employment Exchange in the year 2003, vide order dated 24.11.2003.

2. The grievance of the petitioners is that while they were working from the year 2003 to 2004, the Tamil Nadu State Marketing Corporation Limited has selected candidates for Bar Supervisor through District Employment Office as per the seniority list made by the District Collector. For which, separate work order has been issued to the selected candidates. In the meantime, several transfers have taken place and the petitioners were also transferred. While so, the respondent has issued a seniority list on 01.08.2016 bringing the petitioners under the Shop Supervisor (II) category, which is against law, he pleaded. The reason is, when the petitioners were appointed as first time in the year 2003 as Shop Supervisor, there was no any classification, like, Shop Supervisor (I) or Shop Supervisor (II). While so, when the first time the seniority list was published by the fourth respondent on 01.08.2016, the petitioner should not have been placed as Shop Supervisor (II). Therefore, the said seniority list should be set aside. But this Court is not able to find any merits in these writ petitions. The reason is, when the seniority list, dated 01.08.2016, was issued placing the petitioners under Shop Supervisor (II) category, they have not given any representation whatsoever raising his objections. When the petitioners have not made any representation/objection to the said seniority list dated 01.08.2016, they cannot seek any remedy before this Court. But this Court can interfere only in a case where no action is taken on any request or representation or if action is taken wrongly. But in the present case, it is not known how the Registry has registered the writ petition without therebeing any proof of representation made to the concerned authority. Therefore, the question of invoking the jurisdiction of Article 226 of the Constitution of India cannot be sought for. Therefore, these writ petitions fail and the same are dismissed, however, a liberty is given to the petitioners to make a representation to the respondents. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



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To

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4th Floor, CMDA tower, Egmore, Chennai.

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Tamil Nadu State Marketing Corporation Ltd.,
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GJM/SKS/RR/18.10.16-3p-5C

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