

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.150 of 2017
and
C.M.P.No.2568 of 2017

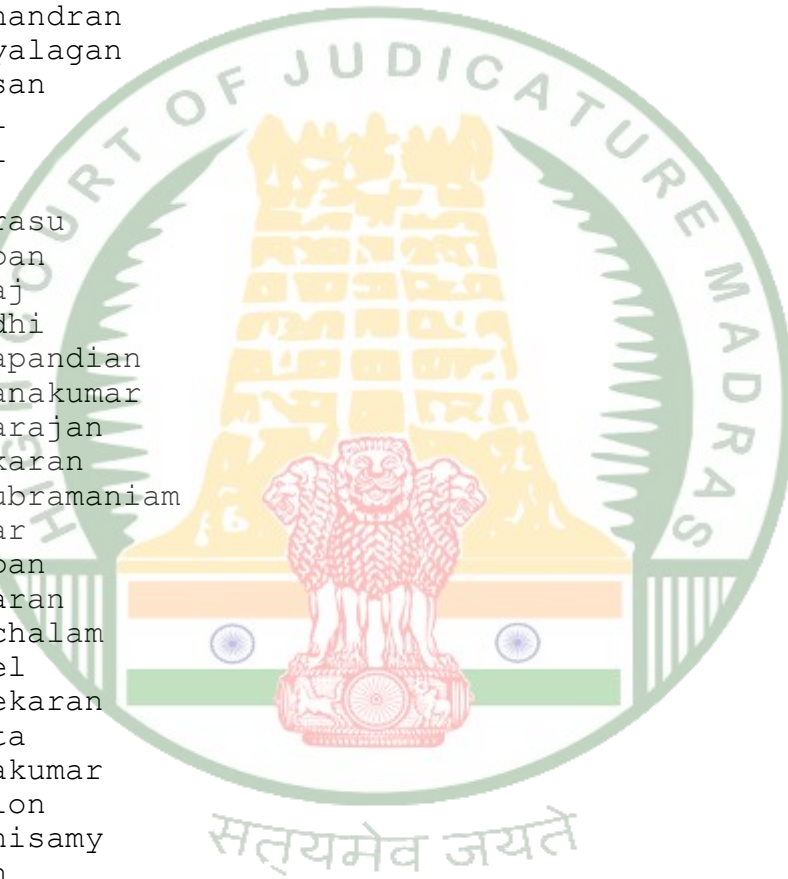
G.Sakthivel

Appellant/Petitioner

Versus

- 1 The District Collector of Nagapattinam
Collectorate (Panchayat Development)
Nagapattinam
- 2 The Personal Assistant to the
District Collector
(Panchayat Development)
Collectorate Nagapattinam.
- 3 K.Kaliyamurthy
- 4 Ayyapillai
- 5 V.Tamilselvan
- 6 G.Elayakumar
- 7 Ayyappan
- 8 K.Devendiran
- 9 G.Murugan
- 10 K.Arivalagan
- 11 M.Anbalagan
- 12 Gunasekaran
- 13 M.Jayashankar
- 14 S.Barathidasan
- 15 R.Santhakumar
- 16 K.Shankar
- 17 K.Manivannan
- 18 Rajendran
- 19 K.R.Sudhakar
- 20 K.Jaishankar
- 21 K.Kalyanasundarm
- 22 M.Saravakumar
- 23 C.Jeevanandham
- 24 S.Selvakumar

25 J.Ramesh
26 S.Senthilkumar
27 M.Sekar
28 R.M.Subramanian
29 R.Chandrasekaran
30 V.Arunachalam
31 A.Kamaraj
32 C.Manoharan
33 R.Kumar
34 A.Selvam
35 V.Muthukumar
36 V.Sentamilselvi
37 T.Ravichandran
38 R.Madhiyalagan
39 Venkatesan
40 Sarabogi
41 K.Murali
42 Punkodi
43 J.Selvarasu
44 S.Ayyappan
45 M.Nataraj
46 Pugalendhi
47 Soundarapandian
48 A.Saravanakumar
49 K.Varadarajan
50 K.Prabakaran
51 R.Balasubramaniam
52 Lavakumar
53 K.Ayyappan
54 K.Manimaran
55 Thanikachalam
56 Palanivel
57 S.Gunasekaran
58 F.Dicasta
59 K.Udhayakumar
60 P.V.Lenion
61 A.Anthonisamy
62 Baskaran
63 M.Shankar
64 Devendiran
65 R.Anbalagan
66 S.Senthilkumar
67 U.Venkatesan
68 Natarajan
69 S.Udhaiyakumar
70 C.Joshphraj
71 M.Shanmugham
72 M.Sivakumar
73 R.Gunaselvam
74 R.Ramamurthy



WEB COPY

75 Mariappan
76 G.Dhandapani
77 S.Shanmugham
78 R.Selvaraj
79 Maheswari
80 Balamurugan
81 V.Elangovan
82 K.Murugan
83 M.Sathiyabama
84 M.Ramachandran
85 R.Ramasamy
86 R.Kandasamy
87 Mohan
88 Ravichandran
89 R.Ramesh
90 V.Gopalakrishnan
91 V.Vetriselvam

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.7.2016 passed in W.P.No.25154 of 2016 on the file of this court.

Prayer in W.P:

Praying to issue a Writ of Certiorarified Mandamus to call for the records relations to the order of the first respondent namely The District Collector, (Development), Nagapattinam in Na.Ka. No 3034 of 2000 VA 6/2015 dated 24.02.2016 and quash the same and consequently direct the 1st respondent namely the District Collector of Nagapattinam, to revise the seniority list of panchayat secretaries for the year 2015 issued by the personal Assist to District Collector, (Panchayat Development), Nagapattinam.

For appellant : Mr.N.E.A.Dinesh

For R1 and R2 : Mrs.A.Srijayanthi,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mrs.A.Srijayanthi, learned Special Government Pleader, who takes notice on behalf of respondents 1 and 2.

2. The writ appeal has been filed challenging the order of the learned Single Judge dismissing the writ petition filed by the appellant herein alongwith two other similarly placed persons, seeking refixation of their seniority over and above the private respondents therein.

3. It appears that with regard to fixation of seniority in the cadre of Panchayat Secretaries for the year 2015. The process of fixation of seniority is said to have been completed in the year 2010. However, according to the petitioner, he sought for refixation of seniority by submitting a representation and awaiting the decision and communication from the authorities and finally having found the seniority list in the year 2015, he had filed the writ petition joining with the similarly placed two persons. The learned Single Judge dismissed the on the ground of laches.

4. After hearing the learned counsel appearing for the appellant and the learned Special Government Pleader, we are of the view that for technical reasons that the Department could have delayed in taking a decision on the representation of the petitioner and sending communication to the petitioner with regard to its disposal, but, it cannot be a ground for rejection of the claim of the petitioner, if he is, otherwise, entitled to the relief, in accordance with law. Therefore, the case of the petitioner may be considered on merits and in accordance with law.

5. Modifying the order of the learned Single Judge to such extent, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.
To

- 1.The District Collector of Nagapattinam
Collectorate (Panchayat Development)
Nagapattinam
 - 2.The Personal Assistant to the
District Collector
(Panchayat Development)
Collectorate Nagapattinam.
- +1 CC to Mr.N. Nicholas, Advocate sr 23160

W.A.No.150 of 2017

SJ(CO)
sp/16/6