

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2017
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.650 and 651 of 2017
And
W.M.P.Nos.700 and 701 of 2017

Nanjundan ... Petitioner in W.P.No.650/2017
G.Narendran ... Petitioner in W.P.No.651/2017

Vs.

- 1 The Secretary to Home Dept.
Government of Tamilnadu,
Fort St.George, Chennai - 9.
- 2 The Additional Director General of Prisons
Egmore, Chennai - 600 008.
- 3 The Superintendent of Prisons
Central Prison, Coimbatore.
- 4 K.Elango Assistant Jailor
Sub Jail Borstal School
Melur, Madurai District ... Respondents in both
W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to consider the petitioner for promotion to the cadre of Chief Head Warder and Assistant Jailor from the date of 4th respondent was promoted to the post of Chief Head Warder and Assistant Jailor with all attendant service and monetary benefits by considering and applying the state wide seniority list of Grade II warders prepared by the 2nd respondent dated 14.12.2010 in proceedings No.38340/E.W 3/2010.

For Petitioner : Mr.P.I.Thirumoorthy
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2.The petitioner in W.P.No.650 of 2017 initially joined as Grade II Warder and later on awarded Selection Grade and Special Grade on completion of 10 years and 20 years of service respectively and he claims to have put in excellent and unblemished service to the satisfaction of the superior officers.

3.The petitioner in W.P.No.651 of 2017 initially joined as Grade II Warder and later on awarded Selection Grade and Special Grade on completion of 10 years and 20 years of service respectively.

4.It is further stated by the petitioners that prior to the year 2010, seniority of Grade - II Warders was prepared range wise and since juniors were given promotion to the higher cadres, seniors were affected and also based upon the representation, the second respondent vide proceedings dated 14.12.2010 had prepared and published the seniority list of Grade II Warders in which the petitioner was placed in Rank Nos.640 and 639 respectively, whereas, the fourth respondent was placed below them in the Rank No.644. However, to the shock and surprise of the petitioners, the fourth respondent was promoted as Chief Head Warder by the second respondent vide proceedings dated 08.08.2012. Likewise the fourth respondent, several of the juniors were also promoted to the said post and whereas, the petitioners got their promotion only on 19.09.2012 and 17.09.2012. The petitioners in this regard, submitted representations dated 26.02.2016 and since their representation having been considered and given a disposal, came forward to file these writ petitions.

5.Heard the submissions of the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondents 1 to 3.

6.Though the petitioners prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the respondents 2 and 3 to consider and dispose of the petitioners representations dated 26.02.2016 and the objection raised by the petitioner in W.P.No.650 of 2017 viz., Nanjundan, dated 25.02.2014, on merits and in accordance with law and after putting on notice, the fourth respondent shall 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 as well as to the fourth respondent.

7.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Secretary to Home Dept.
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Fort St.George, Chennai - 9.
- 2 The Additional Director General of Prisons
Egmore, Chennai - 600 008.
- 3 The Superintendent of Prisons
Central Prison, Coimbatore.

+2 ccs to Mr.P.I.Thirumoorthy Advocate sr 2947
+2 ccs to the Government Pleader srnos.3050,3051

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