

C.M.P.Nos.1134 & 1135 OF 2017

in

W.A.Nos.63 & 64 OF 2017

Nooty.Ramamohana Rao,J.

and

S.M.Subramaniam,J.

(Order of the Court was made by Nooty.Ramamohana Rao, J.)

Heard the learned counsel for the parties.

2. Apart from the fact that the writ petitioners are the appellants, who have lost in the first round of litigation, we need to take note of certain other developments. Importantly, the contesting respondent had taken up the issue relating to protection of his seniority with the State Government and the State Government passed orders through G.O.Ms.No.242, dated 09.06.2008, upholding his claim for promotion as Assistant Executive Engineer and also placing him above the names of his immediate juniors. In that view of the matter, when once he gets absorbed into the service of the Municipal Corporation, Chennai, he is bound to carry forward the benefit of such promotion and such *inter se* seniority. Hence, we do not find that balance of convenience would lie in favour of the appellants, who are the petitioners herein.

3. It is needless for us to observe that any promotion of the unofficial respondent to the next higher post, such as Superintending Engineer or Chief Engineer, will be purely provisional and it will not confer any right whatsoever on the unofficial

respondent and that the same will abide by the result in the Writ Appeals.

4. Civil Miscellaneous Petitions are, accordingly, closed.

5. Hearing of the Writ Appeals may be expedited on out-of-turn basis and, if possible, it is to be listed for final hearing in the second or third week of March,2017.

dixit

(N.R.R.,J.) (S.M.S.,J.)
25-01-2017

NOOTY.RAMAMOohana RAO,J.
AND
S.M.SUBRAMANIAM,J.

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