

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31275 of 2017

R.Sampath

... Petitioner

Versus

The District Collector,
Collectorate,
Cuddalore District @ Cuddalore.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to consider and pass orders on the petitioner's representation dated 11.09.2017 given for inclusion of name in the Seniority List of Office Assistant/Night Watchman/Record Clerk and consider the petitioner's name for promotion as Junior Assistant, within a stipulated time fixed by this Court.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.E.R.A.Premnath,
Government Advocate

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent herein to consider and pass orders on the petitioner's representation dated 11.09.2017 given for inclusion of his name in the Seniority List of Office Assistant/Night Watchman/Record Clerk and further consider his name for promotion as Junior Assistant, within a stipulated time fixed by this Court.

2. The case of the petitioner is that he was initially appointed as Masalchi on 28.01.1994 in Panchayat Union and subsequently, his service was regularised. In the seniority list of Office Assistants/Night Watchman/Record Clerk as on 01.01.2012 published by the District Collector, Cuddalore, his name was included at Sl.No.25. But, in the seniority list published as on 01.01.2017, his name has been left out. But one Rajendran, Masalchi, who joined service only on 10.06.2011 has been included at Sl.No.47. Therefore, the petitioner has given

a representation dated 11.09.2017 to the respondent to include his name in the seniority list as Sl.No.11(a) and to consider him for promotion to the post of Junior Assistant. Since no orders have been passed on the same, the petitioner is before this Court with this Writ Petition.

3. Learning Counsel for the petitioner submits that the petitioner has not suffered any punishment and prays for a positive direction in the Writ Petition.

4. Mr.ERA.Premnath, learned Government Advocate taking notice for the respondent, seeks four weeks time to consider and dispose of the petitioner's representation.

5. Considering the limited prayer made in the Writ Petition and also taking into account the submission of the learned Government Advocate appearing for the respondents, without going into the merits of the claim made by the petitioner, this Court directs the respondent, to consider and dispose of the petitioner's representation dated 11.09.2017, within a period of four weeks from the date of receipt of a copy of this Order, on merits and in accordance with law and if the respondent finds that the petitioner has not suffered any punishment, his seniority in the cadre of Office Assistants/Night Watchman/Record Clerk has to be restored at the proper place.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

The District Collector,
Collectorate,
Cuddalore District @ Cuddalore.

+1 cc to M/s.Ravishanmugam Advocate sr 85461
+1 cc to Govt Pleader sr 86402

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