

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM

THE HON'BLE Mr. JUSTICE **V.PARTHIBAN**

W.P.No.6227 of 2013
and M.P.No.1 of 2013

S.Ponmaran

.. Petitioner

Vs.

1.The Director,
Tamil Nadu Health Transport
Department,
Guindy, Chennai - 32.

2.The Workshop Superintendent,
Regional Workshop (Health),
Vellore - 13.

3.M.Vijay Anand,
TAG III, Directorate,
Tamil Nadu Health Transport
Department, Guindy,
Chennai - 32.

4.S.Somasundaram,
TAG III, Directorate,
Tamil Nadu Health Transport
Department, Guindy,
Chennai - 32.

5.M.Mageshkumar,
TAG III, Directorate,
Tamil Nadu Health Transport
Department, Guindy,
Chennai - 32.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 28.12.2011 followed by reminder also on 15.10.2012 and on 24.01.2013 by taking into consideration of the date of petitioner's appointment and his seniority as per the list dated 30.11.2004 to fix his seniority at appropriate place in the list dated 02.11.2011 for promotion to the post of Foreman for the year 2011-2012, by placing the petitioner above the respondents 3 to 5, within a reasonable time to be fixed by this Court.

For Petitioner ... Mr.R.Neelakandan
For Respondents .. Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader for R1 & R2
Mr.S.Selvathirumurugan
for R3 to R5

ORDER

Heard Mr.R.Neelakandan, learned counsel appearing for the petitioner, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.S.Selvathirumurugan, learned counsel appearing for respondents 3 to 5.

2. Seeking a direction to the first respondent to dispose of the representation dated 28.12.2011, the petitioner has filed this writ petition.

3. Learned counsel appearing for the petitioner would submit that the petitioner would be satisfied if a direction is issued to the first respondent to consider his representation submitted on 28.12.2011 and pass reasoned orders on the same within a particular time limit.

4. The issue raised in this writ petition is that originally the petitioner was appointed as Mechanic Helper and he was assigned proper seniority in the original seniority list dated 30.06.1989 on the basis of his date of appointment. Subsequently, on promotion to the post of Fitter (Special), his seniority was not assigned properly vide seniority list dated 02.11.2011. According to the petitioner, his seniority has to be properly assigned on the basis of his date of original appointment.

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5. Mr. S. Selvathirumurugan, learned counsel appearing for the private respondents has filed counter statement. Upon hearing the learned counsel appearing for the parties, without going into the merits of the rival claims of the parties, a direction is issued to

respondents 1 and 2 to consider the representation said to have been made by the petitioner on 28.12.2011 and pass reasoned orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. While considering the representation, the authorities shall take into consideration the averments contained in the affidavit filed in support of the writ petition.

6. With the above direction, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2017

Index: Yes/No
mmi

Note: Issue Today

To

1. The Director,
Tamil Nadu Health Transport
Department,
Guindy, Chennai - 32.

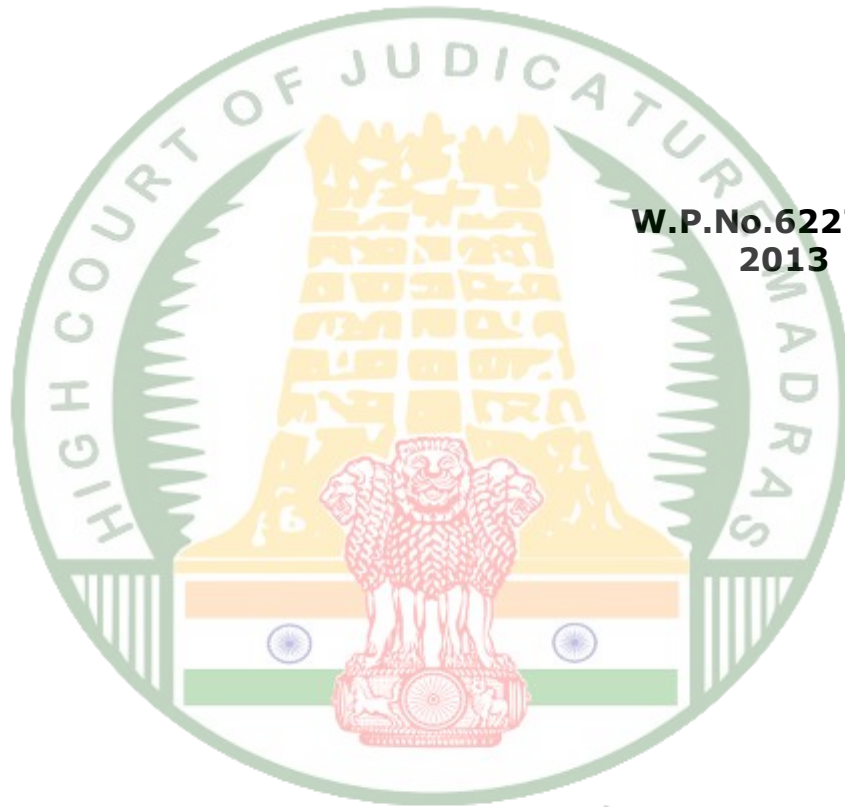
2. The Workshop Superintendent,
Regional Workshop (Health),
Vellore - 13.



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V.PARTHIBAN, J.

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2013**

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