

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.08.2016

Pronounced on : 19.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 20475 of 2012

and

M.P.No.2 of 2012

M.P.No.1 and 3 of 2013

W.M.P.No.8100 of 2016

1. M. Arulsekari
2. R. Devadoss
3. M. Reeda
4. G. Gopoojana
5. R. Vasanthamalliga
6. S. Lalitha
7. K. Ravichandran
8. Alaguvel

.... Petitioners

Versus

1. The Secretary to Government
Education Department
Fort St. George
Chennai - 600 009
2. The Director of Public Libraries
No.737/1, Anna Salai
Chennai - 600 002
3. The District Library Officer
District Library Office
No.12-A, Vibilmer Street
Cuddalore - 607 001
4. The District Library Officer
District Library Office
Public Office Road (Opp. Court)
Velipalayam, Nagapattinam
5. The District Library Officer
District Library Officer
No.735, Anna Salai
Chennai - 600 002
6. The District Library Officer (I/c)
Cherarajan Salai
Hasthampatty
Salem - 7

7. The District Library Officer
District Library Office
District Central Library Building
Masjeeth Road, Sivagangai District
Pin Code - 630 561

8. The District Library Officer
District Library Office
1234, Periyakadaiveethi
Coimbatore - 1

9. C.Kalidas

10.P.Krishnaveni

11.S.Yasoda

12.M.Ramachandran

13.Madaiyan P

14.M.Dhanalakshmi

15.C.R.Ravindran

16.M.Karthikeyan

(RR9 to 16 were impleaded as per
order dated 15.07.2013 passed in
MP No. 2 of 2013 in WP No. 20475 of 2012)

17.The Tamil Nadu Public Library Department
Employees Association (C&D)
No.737, LLA Building, Anna Salai
Chennai - 600 002
represented by its State President
Mr. M. Rajesh Kumar

(R-17 impleaded as per order dated 05.02.2016
in MP No.1 of 2015 in WP No. 20475 of 2012)

... Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ Declaration to declare that the proceedings of the second respondent bearing Na.Ka.No.14283/A1/2010-3 dated 10.02.2011 is illegal, arbitrary, violative of Articles 14, 16 and 21 of the Constitution of India, contrary to the principles of natural justice, legitimate expectation, social justice, contrary to the Tamil Nadu State and Subordinate Service Rules and consequently direct the respondents to consider and promote the petitioners in terms of G.O. Ms. No.60 dated 27.04.2006 by placing the petitioners in the appropriate place above their juniors interpolating in the seniority list, granting all continuity and consequential benefits.

For Petitioners : Mr.Balan Haridass
for Ms.R.Vaigai

For Respondent : Mr.A.Kumar
Special Government Pleader
for RR1 to 8

ORDER

The petitioners have come forward with this writ petition seeking for a Declaration to declare that the proceedings dated 10.02.2011 of the Second respondent is illegal, arbitrary, violative of Articles 14, 16 and 21 of the Constitution of India, contrary to the principles of natural justice, legitimate expectation, social justice, contrary to the Tamil Nadu State and Subordinate Service Rules and consequently direct the official respondents 1 to 8 to consider and promote the petitioners in terms of G.O. Ms. No.60 dated 27.04.2006 by placing them in the appropriate place above their juniors interpolating in the seniority list and to grant them continuity of service and other consequential service and monetary benefits.

2. At the time of filing the present writ petition, the petitioners were working as Librarian Grade-III or Librarian Grade-II as the case may be. According to the petitioners, the petitioners were employed in the Public Library which were under the control of the Local Library Authority till 31.03.1982. On 01.04.1982, by virtue of the order passed by the Government in GO Ms. No.1735, Education Department dated 11.12.1989, the service of Staff of the Local Library Authority, including the petitioners herein, were provincialised. In and by the said Government Order, the Government Ordered for implementation of one unit system in the Public Library Department from 01.04.1982. According to the petitioners, the hierachy of the promotions to those who were employed in the respective District Library is Record Clerk, Grade-III Librarian, Grade-II Librarian, Grade-I Librarian, District Library Officer, Deputy Director of Libraries and Joint Director of Libraries. According to the petitioners, even at the time of initial appointment, they possess the requisite qualification for holding the post of Inspector of Libraries and therefore they are entitled for being conferred with the promotions which they are eligible.

3. The grievance of the petitioners is that the State-wise seniority has been implemented for all the cadres such as Librarian Grade-I, Librarian Grade-II, Record Clerk etc., whereas, District-wise seniority is being followed and implemented in respect of Librarian Grade-III as per GO Ms. No.1336 of 1981, According to the petitiners, State-wide seniority has been prepared in the year 1989 on the basis of the directions given by the first respondent and which was published in the proceedings dated 15.03.1990 of the District Library Officer with reference to the date of appointment and date of joining duty. It is the further grievance of the petitioners that such seniority list published on 11.12.1989 was accepted by the Government and also by the various persons who were holding the post of Grade-III Librarian by then. following the same, promotions were also given to Grade-III Librarian by following the District-wise Seniority. In other words, the grievance of the petitioners is if the State-wise

Seniority is followed in the matter of conferment of promotion to Grade-III Librarian, there would not be any anomaly in the matter of conferment of seniority to the petitioners who are holding the post of Grade-II and Grade-I Librarian at the relevant point of time.

4. According to the petitioners, the Government itself directed implementation of one unit system in the Public Library Department from 01.04.1982 by issuing GO Ms. No.1735, Education Department dated 11.12.1989 and while implementing the same, the persons who were conferred with promotion by following the District-wise seniority were reverted. Challenging the order of reversion, the aggrieved persons approached the Tamil Nadu Administrative Tribunal and obtained a direction to the effect that the single Unit system should be implemented from the date of issuing the order by the Government on 11.12.1989. Therefore, the government, on the basis of the direction issued by the Tribunal passed order in GO Ms. No.161, Education, Science and Technology Department dated 07.03.1996. Further, the Government in the letter No.1080, Education, Science and Technology Department dated 09.11.1994 directed that no promotions should be given to any staff in the Public Library Department based on District-wise Seniority and necessary steps have to be expeditiously taken to get approval of adhoc Rules for implementing the State-wise Seniority. In this context, the second respondent sent a proposal and based on the same, the Government cancelled the Government letter No. 1080 dated 09.11.1994 thereby permitted to effect promotion in the Department of Public Libraries based on District-wise seniority till such time adhoc rules are framed. However, after more than ten years, the Government issued GO Ms. No.60, School Education Department dated 27.04.2006 framing adhoc rules. Therefore, according to the petitioners, seniority has to be determined only on the basis of the order passed in GO Ms. No.60, School Education Department dated 27.04.2006 and in the light of order passed by this Court in WP Nos. 24947, 24250, 18231, 18232, 18233, 18707 and 36061 of 2007, which culminated in the judgment dated 20.09.2010 passed by the Division Bench of this Court in W.A. Nos. 1179 to 1176 of 2010 etc., batch. Thereafter, the order passed by the Government in GO Ms. No.60, School Education Department dated 27.04.2006 was implemented and a State-wide seniority list was prepared in which the inter-se seniority of Librarians Grade-III was also prepared.

5. It is contended that aggrieved by the drawal of State-wise seniority list, some of the employees have filed objections to the Government. After considering such objections, the Government clarified that whenever transfer is made on request, the seniority will be fixed on the basis of seniority in that particular District. As against such clarification, the petitioners have given objection to the Government on 05.09.2011 stating that when once adhoc rules for appointment and promotion are framed, the seniority is to be fixed only on the basis of date of joining service and not by any other date. Notwithstanding such objection, the second

respondent has published the impugned seniority list dated 10.02.2011. Challenging the same, the petitioners are before this Court with this writ petition.

6. Mr. Balan Haridas, learned counsel appearing for the petitioners would contend that the Government has framed adhoc rules in GO Ms. NO.60, School Education Department dated 27.04.2006 and based on the same, the seniority list has to be prepared only with reference to the date of joining service and not on the basis of District-wise Seniority merely on the ground that transfer was effected to a particular on the basis of the request by the individual employee. By reason of the impugned seniority list, the petitioners right to get promotion even after rendering more than 20 years of service, is adversely affected and they are made to work under their juniors. According to the learned counsel for the petitioners, the seniority of the petitioners have been drastically changed by reason of the passing of the impugned order. The second respondent, while passing the impugned order ought to have given protection to the seniority and pay of the petitioners. The main grievance of the learned counsel for the petitioners is that at the time when the petitioners went on request transfer, they were placed at the bottom most in the seniority list by following the District seniority in the transferred place especially when the Government itself framed adhoc rules giving a go-bye to the earlier system of following the District wise seniority. Therefore, the learned counsel for the petitioners would contend that the seniority of the petitioners has to be reckoned and/or determined only on the basis of the adhoc rules framed by the Government by following the State-wise seniority. The learned counsel for the petitioners also relied on the decision of the Honourable Supreme Court in the case of Mohammed Hasan and others vs. State of Uttar Pradesh reported in 1997 (3) SCC 138 to contend that when there are confusion and anomaly caused due to the previous orders and juniors claimed the promotion ladder earlier than the seniors, the Court shall, in exercise of the powers conferred on it, can undo the injustice and repair the imbalance caused by such earlier orders.

7. On the contrary, the learned Additional Government Pleader appearing for the official respondents would vehemently contend that the claim of the petitioners is contrary to Service Law Jurisprudence. The learned Additional Government Pleader, by placing reliance on the counter affidavit of the second respondent, would contend that the Government passed GO Ms. No.1735, Education Department dated 11.12.1989 thereby introduced single unit system with effect from 01.04.1982, the date on which the service of the staff of Local Library Authorities was ordered to be provincialised so as to maintain the State-wide Seniority. It is further stated that as per GO Ms. No.1336, Education Department dated 07.07.1981, the employee of one Local Library Authority may be transferred to the another Local Library Authority on request and if such transfer is effected, the transferred employee must be placed as Junior most in the Local Library Authority to which he or

she is transferred. Therefore, such transferred employee must be treated as junior most in the transferring District for the purpose of reckoning their seniority. Since District Seniority was maintained for Grade-III Librarian before the adhoc Rules were framed, for the purpose of seniority, the date of joining in the transferred District, particularly when request transfer was made, alone will be taken into account for reckoning the seniority.

8. As regards the order passed in GO Ms. No.60, School Education Department dated 27.04.2006, the learned Additional Government Pleader would contend that 15 categories of posts in the Department, including Librarian Grade-I and Librarian Grade-II were brought within the purview of adhoc rules with a saving clause to protect the promotion made till the date of issuance of adhoc Rules. According to the learned Additional Government Pleader, 657 promotions have been effected between 17.03.1996 to 26.04.2006 by resorting to District seniority and eventually 237 seniors have been affected by virtue of such promotions made on District-wise Seniority for want of adhoc Rules. Further, after framing of adhoc Rules, the second respondent has drawn a State-wide Seniority list by imposing a cut of date as 11.12.1989 as fixed by the Tamil Nadu Administrative Tribunal for introducing single unit system in the department and which was reflected in the proceedings dated 29.08.2006 of the second respondent and it was communicated to all concerned. Subsequently, a clarification was issued by the Government based on which a revised list of Librarian Grade-II was published on 02.05.2007 which was subjected to challenge in WP Nos. 24947 to 24250, 18231 to 18233, 18707 and 36061 of 2007. In the said writ petitions, this Court passed an order dated 08.04.2011 to the following effect:-

"The revised seniority list in proceedings Na.Ka.No.8400/A1/2005-1 dated 02.05.2007 is quashed. Seniority list in proceedings in Na.Ka.No.8400/A1/2005 dated 29.08.2006 is ordered to be restored. The respondents are directed to give notional promotion to the writ petitioners, who are eligible for promotion.

9. Challenging the same, an appeal was filed before the Division Bench of this Court in W.A. Nos. 1173 to 1178 of 2010 in which the Division Bench of this Court passed the following judgment on 20.09.2010 dismissing the writ appeals. Subsequently, a clarification has been sought for in the Writ Appeal by filing M.P. No. 3 of 2010 in W.A. No. 1173 of 2010 in which an order dated 06.12.2010 has been passed clarifying certain aspects. As against the Clarification Order Civil Appeal Nos. 1100 to 1103 of 2015 has been filed before the Honourable Supreme Court.

10. The learned Additional Government Pleader brought to the notice of this Court that assailing the Judgment passed by the Division Bench of this Court, Special Leave Petition (Civil) Nos. 6487 to 6850 of 2011 was filed before the Honourable Supreme Court in which certain interim orders have

been passed and the Special Leave Petition is pending. According to the learned Additional Government Pleader, the revised seniority list drawn for promotion to 15 categories of posts is in accordance with the Judgment passed by the Division Bench of this Court and in tune with the adhoc Rules framed by the Government. Above all, it is submitted that as per the adhoc Rules framed by the Government, the appointing authority for the post of Librarian Grade-III is the District Library Officer concerned, so, the unit of appointment for the post of Librarian Grade-III is the District Level Only. Since District seniority is being maintained for the purpose of seniority of Librarian Grade-III, the date of joining in the transferred post, on request, taken for determining the seniority is legally sustainable and it calls for no interference by this Court.

11. By placing reliance on the above judgment of the Division Bench of this Court, it is submitted by the learned Additional Government Pleader that after the Judgment was passed by the Division Bench of this Court on 20.09.2010, a draft seniority list for the post of Librarian Grade-II and Librarian Grade-I was released on 22.12.2010 to which objections have been raised. After considering the objections, a final list of Seniority list was released on 10.02.2011, which is impugned in this writ petition. By virtue of the Seniority List dated 10.02.2011, eventually, some of the seniors have been reverted from the post of Librarian Grade-I to Librarian Grade-II and from Librarian Grade-II to Librarian Grade-III.

12. The learned counsel for the petitioners, by way of reply, placed reliance on the rejoinder affidavit filed by the fourth petitioner and contend that the judgment of the Division Bench of this Court concerning all library staff from Librarian Grade-III onwards and the averments contained in the counter affidavit of the official respondents is contrary to the same. Even in the Special Leave Petition (Civil) Nos. 6847 to 6850 of 2011 relied on by the official respondents, the Honourable Supreme Court has not granted any interim stay of operation of the Judgment of this Court but only stayed reversion of the petitioners therein who lost before this Court. Further, the Honourable Supreme Court has refused to stay the conferment of promotion to other persons based on the judgment of this Court. Accordingly, the second respondent has also conferred promotion to 15 persons. At any rate, by reckoning the seniority of the petitioners in the proper perspective, the official respondents are bound to confer promotions to the petitioners and he prayed for allowing the writ petition.

13. The learned Counsel appearing for the respondents 9 to 16 would contend that the post of Grade III Librarian can be filled by direct recruitment or by giving promotion from the post of Record Clerk. The post of Grade-II Librarian is an equivalent to the post of Stock Verification to which the next higher post is Librarian Grade-I, which is equivalent to the post of Inspector of Libraries. Once an individual become Grade-I Librarian or Inspector of Libraries, he will come into

State service and State is the unit for the purpose of seniority. The post of Grade-I Librarian and the equivalent post of Inspector of Libraries were not available in all the Districts. In those Districts where such posts are not available, the senior most employee in that District will be left with no chance to get promotion to the post of Grade-I Librarian. Thus, in the absence of specific Rule for statewide seniority, several persons were affected without getting promotion to the higher level of posts. On the contrary, juniors were given benefit by adopting the District-wide Seniority. According to the respondents 9 to 16, they are senior most persons who were subjected to irreparable loss by reason of adoption of District wide seniority in Tamil Nadu Public Libraries Department. According to them, the adoption of District wide seniority resulted in qualified persons who joined service in the year 1981 could not get promotion more than the post of Librarian Grade-II but his junior elsewhere in the State gets such promotion and further promotion as Grade-I Librarian and as District Library Officer. After a long legal battle, the adhoc rules came to be framed by the Government in GO Ms. No.60 dated 27.04.2006. The adhoc rules were never challenged before this Court by any one. After framing the adhoc Rules, promotions were conferred on the basis of such adhoc rule. If for any reason a senior is affected, it is desirable that supernumerary posts must be created to accommodate them and the seniority list drawn based on the adhoc rules need not be revised any further as it would lead to anomaly and confusion. Further, the writ petitioners have gone on transfer from one District to another District on their own request and in such view of the matter, their original seniority from the date of initial appointment as Grade-III Librarian cannot be taken into account. Further, the seniority list which is challenged in this writ petition has been published only after receipt of objections from several persons, including the petitioners. Further, those who have got promotion on the basis of the order, which is impugned in this writ petition, have joined the promoted post and therefore also, at this stage, the impugned order need not be interfered with by this Court.

14. The learned counsel appearing for the 17th respondent namely Tamil Nadu Public Library Department Employees Association would contend that there are 45 vacancies in the post of Grade-II Librarian, 19 posts of Grade-I Librarian, 22 posts of District Library Officer and 2 posts of Deputy Director are lying vacant for want of finalisation of the writ proceedings and by reason of the interim order granted by this Court in the above writ petition. According to the learned counsel, the entire administration of the department has come to a standstill due to non-filling of the vacancies to various posts. Therefore, the learned counsel for the 17th respondent would only contend that the writ petition shall be taken up for disposal at the earliest.

<https://hcservices.ecourts.gov.in/hcservices/>

15. I heard the learned counsel on either side and perused the material records placed before this Court. The main point

arise for consideration in this writ petition is that merely because the petitioners were transferred to another District on their own request, there cannot be a reduction in their seniority and their seniority has to be reckoned with reference to their date of their initial appointment. When the petitioners were transferred to another District, they were placed in the bottom of the seniority list in the District where they have been transferred without resorting to determining the seniority on the basis of the State-wise seniority. The petitioners have rendered more than two decades of service and if the order, which is impugned in this writ petition, is sustained, they will be deprived of their legitimate expectation to get promotion to the higher post. It is the further grievance of the petitioners that the impugned order has been passed by the second respondent without taking into account the objections raised by the petitioners with reference to fixation of their seniority. There cannot be a discrimination between those whose seniority has to be reckoned on the basis of District-wise Seniority and State-wise Seniority. If the date of joining in the transferred place is taken for determination of the seniority of the petitioners without reference to their initial date of joining service, they will be highly prejudiced and their juniors will march them over in the matter of getting promotion.

16. Admittedly, the adhoc rules framed by the Government, governing the Public Library Department was framed by the Government after a pitched legal battle before this Court in GO Ms. No.60, School Education Department dated dated 27.04.2006. The adhoc rules have not been challenged by any one before this Court. Soon after the adhoc rules were framed, the official respondents have published a revised seniority list on 29.08.2006. Challenging the revised seniority list, WP No. 24947 of 2007 etc., batch were filed and the Writ Court has quashed the revised Seniority list. Challenging the same, W.A. Nos. 1173 to 1178 of 2010 have been filed in which the Division Bench of this Court passed the following judgment on 20.09.2010.

4. Elaborate submissions were made before the learned single Judge and the learned single Judge by a very detailed order, allowed the writ petitions and quashed the revised seniority list dated 02.05.2007 and issued following directions:-

Seniority list in proceedings in Na.Ka.No.8400/A1/2005 dated 29.08.2006 is ordered to be restored.

Respondents are directed to give notional promotion to the writ petitioners who are all eligible for promotion.

All ad-hoc promotions affected between 1996-2006 shall be re-worked based upon the seniority list dated 29.08.2006.

Respondents shall comply the entire exercise within six months from today taking State level seniority list (29.08.2006) as final and conclusive for that purpose.

As per the seniority list, Respondents shall also consider names to promote them to Gr.I Librarian as per the rules framed.

Promotees based on promotions made between 1996-2006 shall be reverted to their respective position.

In view of the above directions, W.P.No.36061/2007 is dismissed.

5. Aggrieved by the said order, the present appeals have been preferred, contending that the seniority list dated 29.08.2006 does not contain the names of all those who worked in the post of Librarian Gr.II, those who retired on superannuation or on voluntary retirement and it may not be the correct seniority list of Librarian Gr.II and that the said seniority list dated 29.08.2006 does not appear to have been drawn, taking into account, the combined seniority list of Librarian Gr.II in various districts in the department.

6. The learned Additional Advocate General very fairly submitted that in order to give a quietus to the whole issue, the appellant State is willing to redo the entire exercise, so as to avoid any disputes or complaints. Further, the appellants are willing to scrape the earlier seniority list including the list dated 29.08.2007 and would publish a fresh draft seniority list within a time frame to be fixed by this Court, invite objections to the same and thereafter publish the final seniority list. This suggestion made by the learned Additional Advocate General is acceptable to all the learned counsels, who are appearing for the private respondents as well as the private appellants in these bunch of appeals. All the learned counsels submit that there is no other aggrieved person to be heard in the matter and all of those who had grievance to the seniority list are before this Court.

7. Thus taking note of the submission made and recording the consensus arrived at between the parties these appeals are disposed of with the following direction:-

i) The appellant shall prepare a draft state wide seniority list of Librarian Gr.1/Inspector of Libraries within a period of two weeks from the date of receipt of a copy of this order.

ii)The appellant shall publish the draft state wide seniority list by bringing to the notice of all the Librarians/Inspector of Libraries and all other persons who may be aggrieved through the District Library Officers.

iii)The Librarians/Inspector of Libraries and other persons aggrieved shall submit their objections, if any to the draft seniority list within a period of two weeks from the date of publication of the draft seniority list.

iv)On receipt of these objections, the appellants shall consider the same and publish the final seniority list within a period of four weeks from the date of receipt of the objections from aggrieved persons .

8. With the above directions, these appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17. As against the Judgment of the Division Bench, Special Leave Petition (Civil) Nos. 6487 to 6850 of 2011 were filed by the employees of the local library authorities who were reverted from Grade-I Librarian to Grade-II Librarian and the same is pending before the Honourable Supreme Court.

18. Subsequently, a clarification has been sought for in the Writ Appeal by filing M.P. No. 3 of 2010 in W.A. No. 1173 of 2010 in which an order dated 06.12.2010 has been passed clarifying certain aspects. As against the Clarification Order Civil Appeal Nos. 1100 to 1103 of 2015 has been filed before the Honourable Supreme Court. The Honourable Supreme Court passed an on 21.01.2015 which reads as follows:-

"Ordinarily, we would have remanded the matter to the High Court to afford an opportunity of hearing to the appellants but in course of hearing it has transpired that 4 out of the 9 appellants herein have already reached the age of superannuation. Regard being had to the fact that they have been superannuated and taking note of the fact that they have not been given an opportunity of being heard in the miscellaneous petition before the High Court, without remanding matter, we are only inclined to direct that the 9 appellants, who are before this Court, shall not be affected by the clarificatory order. We say so, as AMr. Subramonium Prasad, learned Additional Advocate General appearing for the State, has apprised us that the clarificatory order has been worked out by giving benefits to many and, therefore, this Court should restrict the grant of benefit to the present appellants. In view of the aforesaid, we only direct the appellants shall avail benefits of the concession order passed in the writ appeal and nothing shall be done qua them because of the

clarificatory order passed by the High Court. Needless to say, we have not adverted to the merits of the clarificatory order. Because of our order, be it further clarified, the grant of any benefit to the present appellants will in no way cause any prejudice to the persons who are entitled to get benefit of the clarificatory order. As we have passed this order, regard being had to the special feature of the case, any proceeding pending before the High Court shall be disposed of on its own merits.

All the pending applications are disposed of.

The appeals are accordingly disposed of. There shall be no order as to costs."

19. As far as the present claim of the petitioners is concerned, admittedly, as rightly pointed out by the learned Additional Government Pleader for the respondents, as per the adhoc Rules framed by the Government, the appointing authority for the post of Librarian Grade-III is the District Library Officer concerned. Therefore, the unit of appointment for the post of Librarian Grade-III is the District Level Only. Since District seniority is being maintained for the purpose of seniority of Librarian Grade-III, the date of joining in the transferred post, on request, has to be taken for determining the seniority.

20. Further, in the counter affidavit filed by the second respondent, elaborate details have been furnished with reference to the number of persons who were affected by reason of the promotions conferred to certain persons on the basis of the order, which is impugned in this writ petition. It is specifically stated in the counter affidavit of the second respondent that by reason of promotion given to Librarian Grade-II and Librarian Grade-I, some of the employees have been reverted from Librarian Grade-I to Librarian Grade-II and from Librarian Grade-II to Librarian Grade-III. It is also stated in the counter affidavit that by resorting to District seniority 237 seniors have been affected. Thus, it is evident that there is no discrimination on the part of the official respondents which resulted in deprivation of the right of the petitioners alone but similarly placed persons have also been affected by reason of drawal of the seniority list as per the adhoc rules.

21. It is also seen from the records that the first petitioner herein namely Arul Sekari has filed WP No. 7841 of 2006 before this Court praying to quash the order dated 23.02.2006 of the District Library Officer, Nagapattinam District and to issue a consequential direction to confer promotion to her to the post of Grade-I Librarian which fell vacant as on 01.04.2005. Even though such a writ petition has been filed, the writ petition was allowed to be dismissed for default on 08.04.2013 and it has reached finality. The very same petitioner namely Arul Sekari has filed the present writ petition, of course along with others, without disclosing the

dismissal of the earlier writ petition filed by her in WP No. 7841 of 2006 on 08.04.2013. In such view of the matter, the writ petition filed by the first petitioner is not maintainable and it is liable to be dismissed.

22. It is seen from the averments made on either side that before framing of the adhoc rules, the employees employed in a particular District were deprived of their chance to get promotion to the post of Grade-I Librarian which were not available in some Districts. Such a circumstance exist because of the non-framing of adhoc rules. Ultimately, when adhoc rules were framed, several persons were affected including the petitioners. Of course, the drawal of the adhoc rules has also resulted in the anomaly between juniors and seniors when hitherto juniors were holding promotional post. Thus, after framing of adhoc rules, some of the juniors were reverted from the post held by them paving way for the seniors to hold such post. In such circumstance, this Court is of the view that any interference with the order, which is impugned in this writ petition, will only lead to further anomaly and it will result in unsettling the settled procedural norms for fixation of seniority and for consequential conferment of promotion.

23. The argument of the learned counsel for the petitioners that the petitioners were not given opportunity before passing the impugned seniority list does not merit acceptance. Even admitted by the petitioners, they have given objection to the drawal of the seniority list. The petitioners also admit that several other persons have given objections to the drawal of the tentative seniority list. The second respondent, after considering such objections, has passed the order dated 10.02.2011 which is impugned in this writ petition.

24. For all the above reasons, the relief of declaration sought for by the petitioners cannot be countenanced. The writ petition is therefore dismissed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Education Department
Fort St. George
Chennai - 600 009

2. The Director of Public Libraries
No.737/1, Anna Salai
Chennai - 600 002
3. The District Library Officer
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No.12-A, Vibilmer Street
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1234, Periyakadaiveethi
Coimbatore - 1
9. The Tamil Nadu Public Library Department
Employees Association (C&D)
No.737, LLA Building, Anna Salai
Chennai - 600 002.

+1cc to Mr.S.Selvathirumurugan, Advocate, S.R.No.4062
+1cc to Mr.G.Sankaran, Advocate, S.R.No.3918
+1cc to Mr.Anna Mathew, Advocate, S.R.No.4003
+1cc to Mr.P.C.Harikumar & Associates, Advocate, S.R.No.3874

W.P.No.20475 of 2012

SV(CO)
CA(31/01/2017)