

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26208 of 2015

and

M.P.No.1 of 2015 & WMP.No. 4776 of 2016

1.M.T.Ravikumar

Assistant Engineer (Civil) Class-II,
IBM No.99195,
Civil Engineering Department,
Chennai Port Trust,
No.1,Rajaji Salai,
Chennai-600 001.

.... Petitioner

Vs

1.The Chairman
Chennai Port Trust,
No.1 Rajaji Salai,
Chennai -600 001.

2.The Deputy Chairman and the Chairman of
the Departmental Promotion Committee,
Chennai Port Trust,
No.1 Rajaji Salai, Chennai-600 001.

3.The Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
No.1,Rajaji Salai,Chennai -600 001.

4.P.Dhananjayam

5.N.Hema

6.R.Ravikumar

7.M.Manickam

8.K.Thangaraja

9.J.Raniceline Mary

10.D.Madhumathi

11.P.Subramanian

12.S.Venkatesan

13.D.Askokan

14.P.SenthilKumar

15.V.M.Tamilselvi

16.S.Babu

17.S.P.Sakthivel

18.M.Manoharan

(R4 to R8 - Impleaded as per the order
of this Court dated 02.11.2017 in

M.P.No.2 of 2015)

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents from effecting promotional appointments to the posts of Assistant Executive Engineer without making combined/inter-se seniority among the integrated personal of the erstwhile Madras Dock Labour Board and the Chennai Port Trust, more particularly in the feeder category of Assistant Engineer (Civil) Class-II, and consequently direct the Respondents to prepare a promotional panel for the post of Assistant Executive Engineer only after making a combined/inter-se seniority among the integrated personal of the erstwhile Madras Dock Labour Board and the Chennai Port Trust, more particularly in the feeder category of Assistant Engineer (Civil) Class-II, within a time frame as may be stipulated by this Court.

For Petitioner : Mr.K.G.Vipra Narayanan

For Respondents: Mr.M.Palanimuthu (for R1 to R3)

Mr.V.VijayaShankar (for R4 to R18)

O R D E R

The relief sought for in this writ petition is to forbear the Respondents from effecting promotional appointments to the posts of Assistant Executive Engineer without making combined/inter-se seniority among the integrated personal of the erstwhile Madras Dock Labour Board and the Chennai Port Trust, more particularly in the feeder category of Assistant Engineer (Civil) Class-II, and consequently direct the Respondents to prepare a promotional panel for the post of Assistant Executive Engineer only after making a combined/inter-se seniority among the integrated personal of the erstwhile Madras Dock Labour Board and the Chennai Port Trust, more particularly in the feeder category of Assistant Engineer (Civil) Class-II, within a time frame as may be stipulated.

2.The learned counsel appearing for the respondents made a submission that the issue was already decided by this Court in W.P.Nos.27976 and 27977 of 2014 dated 05.09.2017 and this Court has elaborately adjudicated the matter relating to the integrated Seniority and combined inter-se seniority and accordingly, issue direction in paragraph 8 of the Judgment which is extracted here under:

"8.On consideration of all the above facts and circumstances, there shall be a direction to respondents 2 and 3 to prepare a combined seniority list of all the workers/employees/staff/officers of both the erstwhile Madras Dock Labour Board and the original workers/employees/staff/officers on the

Chennai Port Trust in each of the cadres and thereafter, effect promotion to the respective higher cadres. The said exercise shall be initiated and completed by the Port Trust, within a period of three months from the date of receipt of a copy of this order. It is also made clear that in case anyone is aggrieved by the preparation of combined seniority list, he/she is at liberty to approach this Court as he/she may be advised."

3. In view of the directions given in the order cited supra, no further adjudication on merits in this writ petition needs to be under taken. Accordingly, the respondents are directed to follow and implement the Judgment rendered by this Court on 05.09.2017 in W.P.Nos.27976 and 27977 of 2014 dated 05.09.2017. However, the learned counsel appearing both for the petitioner as well as the respondents raised a doubt whether, the respondents should adopt the date of merger as pointed out for consideration. It is needless to state that it is always preferable to follow the date of merger for the fixation of inter-se seniority only at the time of merger of one cadre, which was equated with the other cadre. Thus, the respondents are bound to follow the date of merger for the purpose of fixing inter-se seniority between the employees in all respects.

4. Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

ah

Sd/-

Assistant Registrar(CS VI)

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सत्यमेव जयते
Sub Assistant Registrar

To

1. The Chairman
Chennai Port Trust,
No.1 Rajaji Salai,
Chennai -600 001.

2. The Deputy Chairman and the Chairman of
the Departmental Promotion Committee,
Chennai Port Trust,
No.1 Rajaji Salai, Chennai-600 001.

3.The Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
No.1,Rajaji Salai,Chennai -600 001.

+1cc to M/s.V.Vijay Shankar, Advocate Sr.No.78464
+1cc to M/s.M.Palanimuthu, Advocate SR.No.77686

W.P.No.26208 of 2015

RSI (CO)
sm:15.12.2017



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