

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :22.12.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.30178 of 2011
and
M.P.No.1 of 2011

1.K.Muruganandham
2.V.Goqulakichenin
3.G.Gnanasakeran
4.K.Kuppusamy
5.P.Minatchy

..Petitioners

vs

1.Union Territory of Puducherry,
Rep.by its Secretary to Government,
Local Administration
Chief Secretariat, Puducherry 605 001.

2.The Director,
Local Administration Department,
Puducherry.

3.The Commissioner,
Puducherry Municipality,
Puducherry.

4.P.Krishnamoorthy,
S/o.Perumal,
Mariamman Kovil Street,
Sedarapet and Post,
Villianur Commune, Puducherry.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to promote the petitioners to the post of Junior Engineer with effect from 29.12.2005 and place them above the 4th respondent in the Seniority list of Junior Engineer.

For Petitioner : Mr.R.Parthiban
For Respondents : Mr.R.Syed Mustafa
Additional Government Pleader (Pondy)
for R1 to R3
Mr.V.Ajayakumar for R4

O R D E R

The relief sought for in the writ petition is for a direction to the 3rd respondent to promote the petitioners to the post of Junior Engineer with effect from 29.12.2005 and place them above the 4th respondent in the Seniority List of Junior Engineer.

2.The learned counsel appearing on behalf of the writ petitioners made a submission that all the petitioners are seniors to the 4th respondent and the 4th respondent by virtue of an order passed by this Court secured permanent absorption. However, it is not disputed that the services of the writ petitioners were regularized even before the date of regularisation granted in favour of the 4th respondent. The date of regularisation or permanent absorption must be the date for fixing the seniority. Thus, the respondents are bound to fix the seniority based on the date of regular appointment into a service and accordingly, grant promotion considering the eligibility and in accordance with the rules in force. It is not disputed by the parties that the seniority is to be fixed based on the date of regularisation of the respective employees. However, there are certain discrepancies on account of the orders passed in favour of the 4th respondent in a writ petition and his case alone was considered in advance for promotion to the post of Junior Engineer. The consideration of the case of the 4th respondent for promotion to the post of Junior Engineer caused denial of seniority and promotion to the other senior employees including the writ petitioners. Thus, the respondents have to settle the issue of seniority and promotion by granting retrospective promotion, if necessary to all the eligible candidates, who all are seniors to the 4th respondent also to the petitioners in accordance with the rules and the orders, if any, in this regard by the Government.

3.In this view of the matter, the 3rd respondent is directed to consider the entire issues in relation to the fixation of seniority and accordingly consider the case of the writ petitioner for grant of retrospective promotion on the par with the 4th respondent in respect of their seniority and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

sk/ka

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.Secretary to Government,
Union Territory of Puducherry,
Local Administration
Chief Secretariat, Puducherry 605 001.

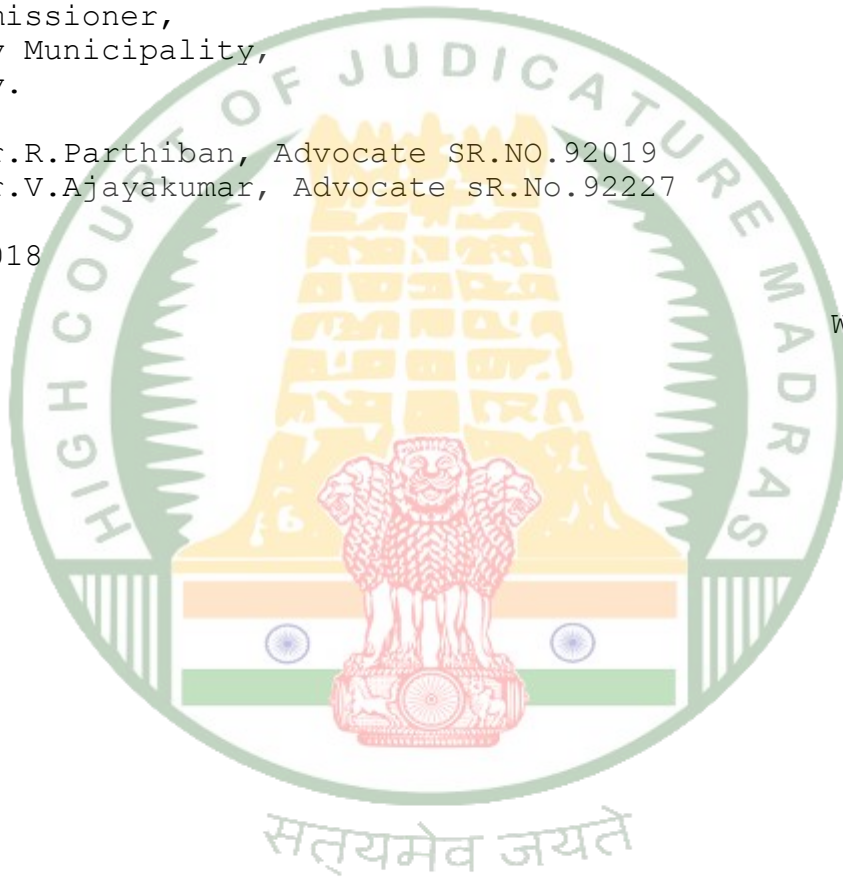
2.The Director,
Local Administration Department,
Puducherry.

3.The Commissioner,
Puducherry Municipality,
Puducherry.

+lcc to Mr.R.Parthiban, Advocate SR.NO.92019
+lcc to Mr.V.Ajayakumar, Advocate SR.No.92227

sm:18.1.2018

W.P.No.30178
of 2011



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