

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26996 of 2017 and  
WMP.Nos.28802 to 28804/2017

1. M.Abdullasha
  2. S.Latha
  3. G.Gunasekaran
  4. B.Indira
  5. R.Nataraja Murugan
  6. K.Kannan
- ...Petitioners

Versus

1. The State of Tamil Nadu rep. by  
the Principal Secretary to Government,  
Youth Services and Welfare Department,  
Secretariat, Chennai-9.
  2. The Member Secretary,  
Sports Development Authority of Tamil Nadu,  
116-A, Periar EVR High Road,  
Nehru Park, Chennai-84.
  3. The Assistant Director,  
Professional and Executive Employment Office,  
Chennai-32.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in Proceedings No.9813/AO-1/2017 dated 7.7.2017 and consequential orders in 9813/AO-1/2017 dated 17.8.2017 issued by the 2<sup>nd</sup> respondent and quash the same in respect of the petitioners alone and direct the 2<sup>nd</sup> respondent to revise the seniority of Coaches appointed in the year 2012 in accordance with rules.

For Petitioners  
For Respondents

: Mr.J.E.Selvin Albert Holmes  
: Mr.ERA.Premnath,  
Government Advocate

O R D E R

The Writ Petition is directed against the impugned proceedings No.9813/AO-1/2017 dated 7.7.2017 and the consequential orders in No.9813/AO-1/2017 dated 17.8.2017 of the 2<sup>nd</sup> respondent, namely, the Member-Secretary, Sports Development Authority of Tamil Nadu, in determining the seniority of the petitioners and similarly placed persons on the basis of Rule 25 (g) of the Sports Development Authority of Tamil Nadu Service Rules, 1998, on the ground that for appointment of the petitioners in the Sports Development Authority of Tamil Nadu, only Rule 4 of Tamil Nadu State and Subordinate Service Rules

can be applied. But in the present case, the 2<sup>nd</sup> respondent wrongly citing Rule 25(g) of the Sports Development Authority of Tamil Nadu Rules, 1998, which is an irrelevant rule has denied the benefit of counting the seniority of the petitioners from the date of their appointments.

2. The case of the petitioners is that the 2<sup>nd</sup> respondent has called for a list of candidates from the 3<sup>rd</sup> respondent, namely, the Assistant Director, Professional and Executive Employment Office, Chennai-32 for appointment to the post of Coaches in the Sports Development Authority of Tamil Nadu. On receipt of a list of candidates from the Employment Exchange, interviews were conducted on various dates, namely, on 13.02.2012, 14.02.2012 and 15.2.2012 and finally, 77 candidates were selected and issued with appointment orders by way of registered post to their native place during May, 2012. On receipt of the appointment orders, all the 77 selected candidates joined on different dates. The petitioners herein also joined on 19.05.2012, 21.5.2012, 23.05.2012, 23.5.2012, 18.07.2012 and 19.05.2012 respectively. According to the petitioners, the delay in joining of duty did not affect their seniority as 3 months time is allowed for joining duty as per Rule 4(e) of the Tamil Nadu State and Subordinate Service Rules. Therefore, according to the petitioners, applying Rule 25(g) of the Sports Development Authority of Tamil Nadu Service Rules, 1998 in determining the seniority of the Coaches is wholly unjustifiable.

3. Heard the learned Counsel for the petitioners and the learned Government Advocate appearing for the respondents.

4. On the face of the records, this Court is unable to find any merit in the writ petition. The reason is Rule 25(g) of the Sports Development Authority of Tamil Nadu Service Rules, 1998 which governs the service rights of the petitioners clearly says that the seniority of a person who joins a service or post of the newly formed Sport Development Authority of Tamilnadu after its formation on 14.10.1992, shall be determined by the date from which he joins the cadre in the newly formed Authority. When the rule of the Sports Development Authority of Tamil Nadu Service Rules, 1998 is so clear in determining their seniority, I find no infirmity in the impugned orders of the 2<sup>nd</sup> respondent.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

sd/-

Assistant Registrar

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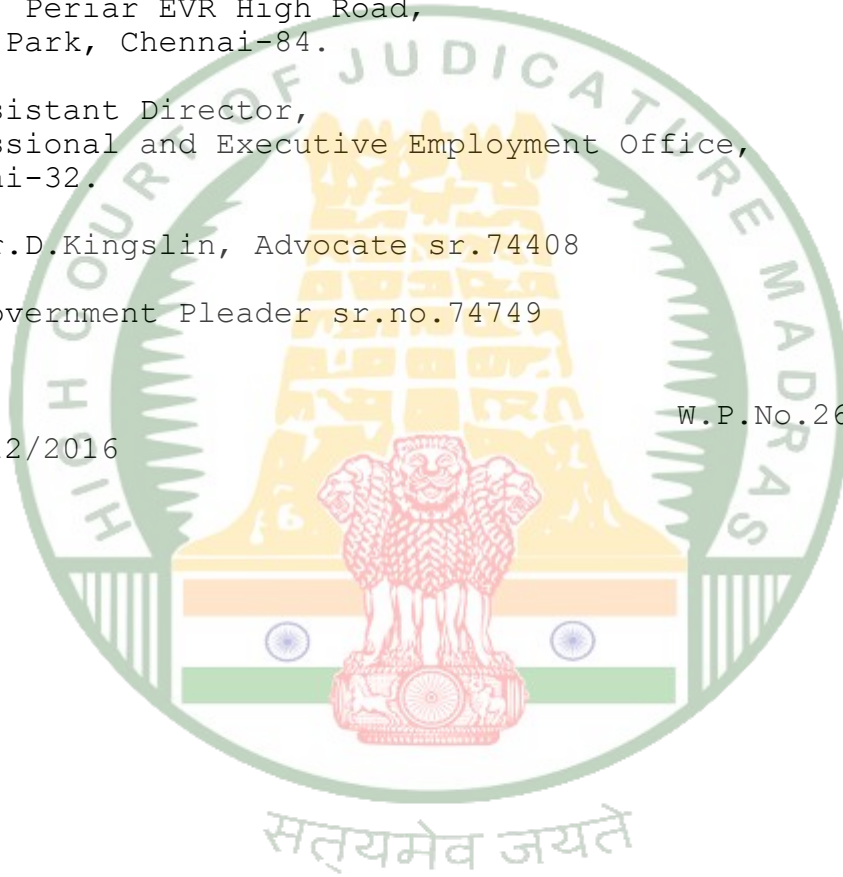
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+1cc to Mr.D.Kingslin, Advocate sr.74408

+1cc to Government Pleader sr.no.74749

RR 10/12/2016

W.P.No.26996 of 2017



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