



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16504 of 2017

S.Rathinam : Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Commissioner,
Bodinayakkanur Panchayat Union,
Bodinayakkanur, Theni District.

3.C.Iyyammal : Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents to include the name of the petitioner in the seniority list in the above name of the third respondent by considering the petitioner's representation dated 07.03.2017 within the time stipulated by this Court.

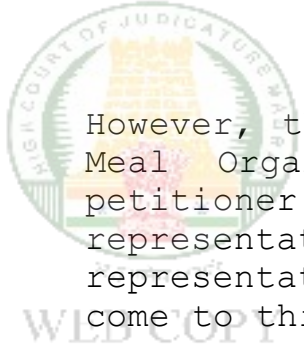
For Petitioner	: Mr.H.Velavadhas
For Respondent No.1	: Mr.D.Muruganantham Additional Government Pleader
For Respondent No.2	: Mr.G.Muthu Kannan

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2.The petitioner has come to this Court seeking a Writ of Mandamus directing the first and second respondents to include the name of the petitioner above the name of the third respondent in the seniority list by considering the representation of the petitioner dated 07.03.2017.

3.The learned counsel for the petitioner would submit that the petitioner was appointed as a Assistant of Noon Meal Organizer on 03.01.2007 in Panchayat Union Middle School at Munthal and the services of the petitioner was appointed only on 24.12.2007. That itself clearly shows the seniority of the petitioner and that the third respondent can be promoted only after the petitioner's promotion.



However, the third respondent was promoted as a cook of the Noon Meal Organizer on 20.07.2016, overlooking the case of the petitioner. In this regard, the petitioner has given a representation to the respondents on 07.03.2017. Since the representation is still pending consideration, the petitioner has come to this Court with the present writ petition.

4.The learned Additional Government Pleader appearing for the first and second respondents would submit that since the petitioner is aggrieved by the non-grant of promotion to her on the ground that her junior has been promoted, the petitioner has to challenge only the correctness of the appointment order passed in favour of the third respondent.

5.This Court is not inclined to accept the submission made by the learned Additional Government Pleader as the petitioner's representation dated 07.03.2017, is pending consideration. Considering the limited scope of the prayer sought for by the petitioner, this Court without going into the merits of the matter hereby directs the first respondent to consider the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District,
Theni.

2.The Commissioner,
Bodinayakkanur Panchayat Union,
Bodinayakkanur, Theni District.

+1cc to M/S.H.Velavadhas, Advocate SR.No. 76216
+1cc to Special Government Pleader, SR.No. 76149

W.P. (MD) No.16504 of 2017
01.09.2017

MR