



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P(MD)No.17330 of 2017

M.Guneswaran

... Petitioner

-vs-

1.The Chairman & the Board of Directors,
Tamil Nadu Tourism Development Corporation,
Tourism Complex,
No.2, Wallajah Road (Near D1 Police Station),
Chennai-600 002.

2.The Managing Director,
Tamil Nadu Tourism Development Corporation,
Tourism Complex,
No.2, Wallajah Road (Near D1 Police Station),
Chennai-600 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent i.e., The Chairman & the Board of Directors, Tamil Nadu Tourism Development Corporation, Chennai to pass appropriate orders on the petitioner's appeal dated 11.09.2015 regarding re-fixation of his seniority in the cadre of Assistant Manager within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingham

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

O R D E R

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

2.The petitioner has come to this Court seeking Writ of Mandamus, directing the first respondent i.e., the Chairman & the Board of Directors, Tamil Nadu Tourism Development Corporation, Chennai to pass appropriate orders on the petitioner's appeal dated 11.09.2015 regarding re-fixation of his seniority in the cadre of Assistant Manager within a specified time limit.



3.The petitioner is serving as a Manager in Hotel Tamil Nadu, Rameswaram, Ramanathapuram District. The petitioner had been sponsored through Employment Exchange and posted in the Hotel Tamil Nadu, Research Resort Complex, Mamallapuram in the year 1998. However, his service, along with seven other trainees were terminated with effect from 14.07.2002, stating that the financial position of Tamil Nadu Tourism Development Corporation hotels were not healthy and the hotels were not making profit.

4.However, one Mr.Sureshkumar filed a writ petition challenging his termination order dated 13.07.2002 and subsequently, the termination order was set aside and he was reinstated as Management Trainee on 15.05.2008 and later on, promoted to the post of Assistant Trainee on 25.06.2011. Subsequently, the petitioner was also re-appointed as Management Trainee on 10.01.2012 and promoted as Assistant Manager on 29.01.2016.

5.But the grievances of the petitioner appears to be that his seniority in the cadre of Assistant Manager should have been fixed below the said Sureshkumar as both of them got re-appointment as Management Trainee. Therefore, the petitioner filed an appeal before the first respondent / Chairman & the Board of Directors, Tamil Nadu Tourism Development Corporation, Chennai, on 11.09.2015, regarding the re-fixation of his seniority in the cadre of Assistant Manager. But the same has not been considered till date. Hence, the petitioner is before this Court with the present writ petition.

6.Mr.D.Muruganantham, learned Additional Government Pleader, who takes notice for the respondents sought time to get instructions as to whether the said appeal is kept pending till date.

7.However, the learned counsel for the petitioner emphatically stated that the appeal is still pending before the first respondent and pleaded for a direction to the first respondent to consider the appeal.

8.Since, the petitioner's appeal dated 11.09.2015 is pending and no order has been issued to the petitioner, the first respondent is hereby directed to consider the pending appeal of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

9.The writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(AE)



To

1.The Chairman & the Board of Directors,
Tamil Nadu Tourism Development Corporation,
Tourism Complex,
No.2, Wallajah Road (Near D1 Police Station),
Chennai-600 002.

2.The Managing Director,
Tamil Nadu Tourism Development Corporation,
Tourism Complex,
No.2, Wallajah Road (Near D1 Police Station),
Chennai-600 002.

+1cc to M/S.S.VISVA LINGAM, Advocate SR.No.78708
+1cc to Special Government Pleader, SR.No. 79015

Mrn/MR

MAS/SV-MMS/SAR3:06.11.2017:3P-5C

W.P. (MD) No.17330 of 2017
14.09.2017