



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No. 16756 of 2013

and

M.P (MD) No.1 of 2015

M.Alagumeenal

... Petitioner

vs.

1. The Registrar General,
High Court,
Chennai-600 001.

2. The District Judge,
Sivagangai District.

3. M.Thavamani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India Praying this Court for issuance of a Writ of Certiorarified Mandamus calling for the records of connected with the impugned order passed by the 2nd respondent in D.No.3264/2013/A1 dated 07.06.2013 and quash the same and consequently direct the 2nd respondent to refix the seniority of the petitioner in the category of Masalchi in accordance with the revised seniority list prepared as per the orders of the 1st respondent dated 10.09.1996 and the subsequent G.O.Ms.No.543 Home (Courts V) Department dated 25.06.2006 and the instructions of the 1st respondent dated 01.03.2007 and to promote the petitioner as Office Assistant w.e.f.06.10.2007 alongwith her Juniors, as Junior Bailiff w.e.f. 09.03.2012, the dated on which her Junior Mr.Thavamani got promoted on 06.10.2007 as Office Assistant and as Junior Bailiff from 09.03.2012 with monetary and other service benefits.

For Petitioner

: Mr.S.Govindan

For Respondents No.1 & 2

: Mr.R.Aravindan

**ORDER**

(order of the Court was made by the **MR.M.M.SUNDRESH,J.**)

The Petitioner was initially appointed in the year 2006 as Masalchi. The post of Masalchi is a promotional avenue to the cadre of Office Assistant. The Post of Masalchi has got two units namely, the Civil and Criminal. Unfortunately, the petitioner comes under the Criminal Unit. The Juniors of the petitioner who were appointed initially in the civil unit got themselves promoted on 06.10.2007 as there were vacancies. The petitioner was promoted as Office Assistant in the Criminal unit on 12.05.2008. According to the vacancies in that unit in the year 2002, itself a Government Order was passed in G.O.Ms.No.543 Home (Cts-V) Department dated 25.06.2002, which is as follows:-

"The Tamil Nadu Judicial Ministerial Service Officer's Association has demanded that combined seniority list for both Units, (i.e) Civil and Criminal Units should be maintained in each district by the Principal District Judge, right from the post of Basic Servant instead of from the post of Junior Assistant as maintained now and promotion should be given from the revised combined seniority list."

2. Unfortunately, this Government Order has not been taken note of. In other words in the year 2006 or 2007 as the case may be the common seniority list in the combined unit of Civil and Criminal ought to have been prepared for Masalchies, Office Assistant and Junior Bailiffs. The petitioner being a semi literate did not know it. He joined as Office Assistant by her promotion order dated 12.05.2008. The combined seniority list for both Civil and Criminal Unit in the cadre of Office Assistant was published in the year 2008. Thereafter, the juniors of the petitioners in the cadre of Masalchi got promoted much earlier to her, having worked in the civil unit got further promotion as Junior bailiffs. Now the petitioner is languishing as Office Assistant as against her Juniors.

3. The above said facts would show that the petitioner is in unfortunate situation. However, she cannot claim to march over the juniors having missed the bus a long time ago. Now much water has flown under the bridge.

4. The learned counsel for the petitioner would submit that there are eleven vacancies now. Though the petitioner is made to suffer for the mistake committed by the second respondent, atleast the same can be rectified by accompanying the petitioner as a junior bailiffs.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The learned counsel appearing for the first and second



respondent would submit that the said assertion being factual will have to be ascertained.

6. On conspicuous of the above, we deem it fit to direct the first and second respondents to promote the petitioner as junior bailiff within a period of eight weeks from the date of receipt of a copy of this order, subject to the availability of the said post. If no post is available, in the next post the petitioner will have to be promoted.

7. We pass this order because the persons, if any, still in the cadre/rank of junior bailiffs, cannot have any grievance as per the Government Order in G.O.Ms.No.543 dated 25.06.2002. If one goes by the seniority, in the cadre of Masalchi certainly the petitioner would be senior to all of them. The petitioner having made her immediate junior as party and allowed her to bypass, can have atleast this benefit.

8. The writ petition stands ordered accordingly. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Registrar General,
High Court,
Chennai-600 001.

2. The District Judge,
Sivagangai District.

+1 cc to Mr.R.Renga Ramanujam , Advocate in SR.No. 72716

ta/rmk

AE/MR KKR/SAR3/01.09.2017/3P/4C

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