

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.444 of 2018
and
C.M.P.No.3838 of 2018

B.Lakshmanan

Appellant

Versus

The Director
Animal Husbandry & Veterinary Services
Chennai-600 006.

Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 22.3.2016 passed in W.P.No.10588 of 2016 on the file of this court.

WP.NO.10588/2016:

Petition filed Under Article 226 of the Constitution of India praying this court to issue a Writ of Mandamus Directing the respondent to revise the date of regularization and also to restore the seniority of the petitioner in the cadre of Junior Assistant and to grant consequential benefit of promotions to the cadre of Assistant Superintendent and Manager after affording reasonable opportunity to the aggrieved persons if any for which the petitioner has lastly made a representation dated 15.12.2015 to the respondent.

For appellant : Mr.R.Malaichamy

For respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the respondent.

2. The writ petitioner, having failed before the learned Single Judge in getting the relief of mandamus directing the respondent to revise the date of regularisation of his services and restore the seniority in the cadre of Junior Assistant with consequential benefits, is before this court.

3. The case of the appellant/petitioner is that he is entitled to get promotion as well as seniority as his junior's case is concerned whereas his case has been rejected. In this regard, the learned Single Judge has observed in para of the order as under:-

"5.Though the petitioner has contended that he should be placed between D.Ramasamy and S.Elizabeth in the combined seniority list, he is not able to establish his case stating that the said Tmt.S.Elizabeth is junior to him. Further, the petitioner has failed to produce the relevant documents viz., combined seniority list for both Typist and Junior Assistant issued by the respondent and to prove the date of his appointment in the office of the respondent. In view of the same, this court is not inclined to give any direction to the respondent and hence, accordingly, the writ petition fails."

4. The learned counsel appearing for the appellant now submitted that the appellant secured the documents to establish his case and he is ready to go before the learned Single Judge once again.

5. In the facts and circumstances of the case, we are of the view that if the appellant could secure documents to claim seniority as against some of his juniors, who have been made senior to him, he can very well submit a representation once again to the Department itself expressing his grievance and also enclosing the relevant documents and in such event, the authority concerned shall consider the same in accordance with law. If the appellant is aggrieved by any such decision, it is for the appellant to invoke the writ jurisdiction once again. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Director
Animal Husbandry & Veterinary Services
Chennai-600 006.

+1cc to Mr.R.Malaichamy, Advocate sr.no.24490

W.A.No.444 of 2018

ppa(co)
nr 22/05/2018



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