

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11014 of 2006
and
W.P.M.P.No.12525 of 2006
and
W.P.M.P.No.119 of 2008

Sundara Udayakumar

..Petitioner

vs

The District Collector,
Coimbatore District,
Coimbatore.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, challenging the seniority proceedings bearing Roc.No.8899/2004/K3(2) dated 24.03.2006 as confirmed with the proceedings bearing Roc.No.8899/2004/K3(2) dated 28.10.2004 of the respondent and quash the same in so far it relates to the petitioner and further direct the respondent to refix the seniority in the cadre of Assistant by reckoning the date of appointment as Assistant as the criteria for fixing the seniority.

For Petitioner : Mr.V.Suthakar
For Respondent : Mr.Ansar
Government Advocate

O R D E R

The relief sought for in this writ petition is to quash the order dated 24.03.2006 and 28.10.2004 and to direct the respondent to refix the seniority in the cadre of Assistant by reckoning the date of appointment as Assistant as the criteria for fixing the seniority.

2.The learned counsel for the writ petitioner made a submission that the date of appointment to the post of Assistant had not been reckoned for the purpose of fixation of seniority and the writ petitioner was deprived of his right of seniority

in accordance with rules. However, even at the time of filing of the writ petition, the petitioner was aged about 53 years and now, he would be about 64 years. Thus, the question of considering the merits at this point in respect of the seniority would not arise at all. However, the learned counsel for the petitioner is of the view that if the seniority is revised, the petitioner may get his notional benefits.

3. In this view of the matter, the respondent is directed to consider the representation submitted by the writ petitioner on 04.11.2004 and on 20.02.2006 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representations as well as send a fresh representation along with the order passed in this writ petition.

4. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

The District Collector,
Coimbatore District,
Coimbatore.

+1 CC to Mr.V. Suthakar, Advocate sr 3444.
+1 Cc to Govt. Pleader sr 4601.

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W.P.No.11014 of 2006

NRI (CO)
SP(08/02/2018)