

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2010

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.16090 of 2018

and

W.M.P.Nos.19117 and 19118 of 2018

- 1) T.N. Ramamoorthy
- 2) Panneer Selvam
- 3) P.Venkatesan
- 4) AVS. Saravana Kumar
- 5) P.Rajasekaran
- 6) Albert Wilson
- 7) S.Senthil
- 8) S.Subbiah
- 9) P.Rajasekaran
- 10) A.Rajaram
- 11) M. Selvaraj
- 12) K.Suresh
- 13) S.Sundaramoorthy
- 14) T.Muthaiyan
- 15) P.Nagarajan
- 16) M.S.Anand
- 17) K.Appasamy
- 18) M.Manjuladevi

...Petitioners

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
2. The Principal Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
3. The Principal Secretary,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.
4. The Commissioner of Labour,
DMS Compound, Chennai - 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to send the seniority list of persons recruited to the post of Assistant in the Labour Department pursuant to notification No.19 (A) /2012 dated 13.06.2012 to the fourth respondent and to direct the fourth respondent to prepare a inter-set seniority list of assistants in the Labour Department combining both direct recruits and promotes by following the law laid down by the Hon'ble Supreme Court in K.Madalaimuthu Vs. State of Tamil Nadu reported in AIR 2006 SC 2662 and in accordance with Annexure IXJ of Tamil Nadu Ministerial Service Rules and to further refrain from preparing any promotion panel to the post of upgraded Superintendents till then.

For Petitioners : Mrs.Dakshyani Reddy
for M/s. Adithya Reddy

For Respondent-1 : Mr. M.Loganathan
Standing Counsel

For Respondents 2 to 4: Mrs. R.Janaki
Additional Government Pleader

O R D E R

Heard Mrs.Dakshyani Reddy, the learned counsel representing M/s.Adithya Reddy, the learned counsel appearing for the petitioners, Mr.M.Loganathan, the learned Standing Counsel appearing for the first respondent and Mrs.R.Janaki, the learned Additional Government Pleader appearing on behalf of the respondents 2 to 4. With consent of the learned counsels on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. The grievance of the petitioners in this case is that, though they are recruited to the post of Assistants by direct recruitment in the respondent/Labour and Employment Department in the year 2014-15 and completed probation and also in the stage of completion of four years service, their names are not finding place in the Seniority List prepared by the fourth respondent, whereas, the names of those, who were immediate juniors to the petitioners are finding place. When the petitioners and other persons, who are similarly situated like the petitioners expressed their grievance in this regard, it was intimated to them that neither the petitioners nor any of their colleagues recruited pursuant to the notification issued by the Tamil Nadu Public Service Commission (TNPSC) dated 13.06.2012 have been assigned seniority by first respondent/TNPSC despite four years elapsed since their appointment. Therefore, the petitioners made individual representations to the first

respondent/Tamil Nadu Public Service Commission to furnish the seniority list to the fourth respondent/Labour Department so also to the fourth respondent//Labour Department to obtain such seniority list and prepare the inter-se seniority list by taking note of the law laid down by the Hon'ble Supreme Court in re K.Madalaimuthu Vs. State of Tamil Nadu reported in [AIR) 2006 SC 2662]. Since such representations evoked no response, this Writ Petition has been filed seeking a writ of mandamus to the respondents to act in accordance with law.

3. Considering the limited grievance of the petitioners, especially, the fact that the first respondent has to take decision on their representation and furnish a seniority list, this Court is of the view that no useful purpose is going to be served by seeking a counter affidavit from the respondents before disposal of the Writ Petition, inasmuch as, the Writ Petition can very well be disposed of granting the relief sought for without the reply affidavit. The learned counsel appearing for the respondents have also no objection for the same. Hence, this Court disposes the Writ Petition with a direction to the first respondent to take effective steps for the disposal of the representation of the petitioners, dated 07.05.2018, if there is no other legal impediments within a period of three weeks from the date of receipt of a copy of this order and intimate the same to the other respondents, more particularly, the fourth respondent. The fourth respondent, on receipt of the same, is directed to take an informed and considered decision on the representation of the petitioners, dated 07.05.2018, taking note of the communication of the TNPSC in this regard, in accordance with law within a period of three weeks of receipt of such communication. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
2. The Principal Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.

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3. The Principal Secretary,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.

4. The Commissioner of Labour,
DMS Compound, Chennai - 600 006.

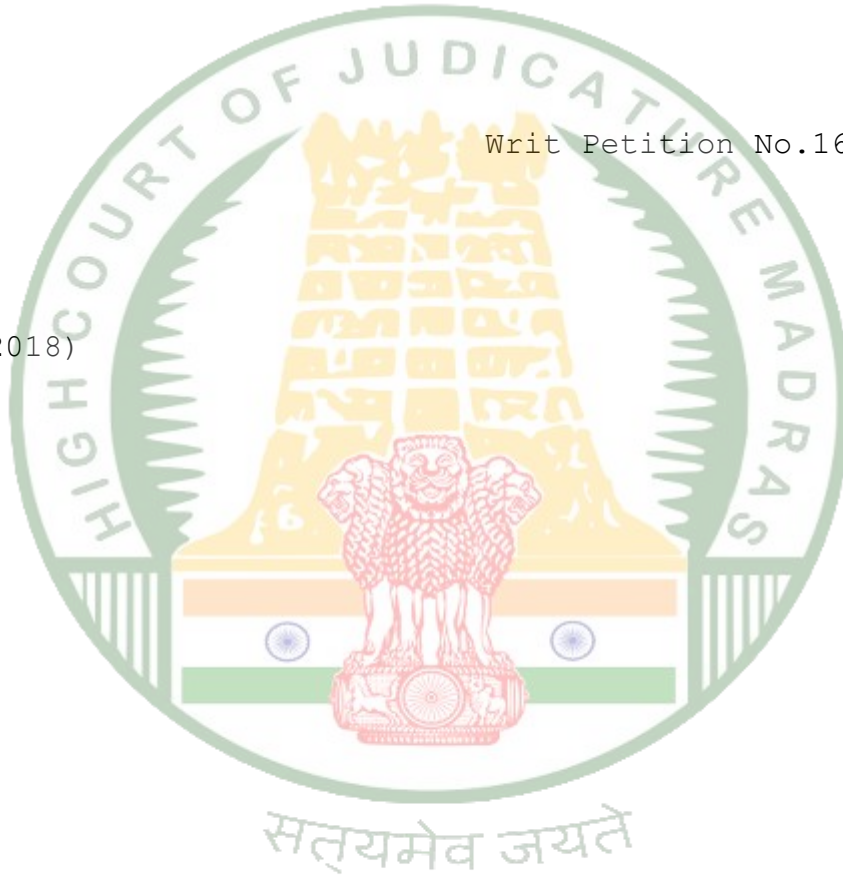
+1 CC to Mr.M. Loganathan, Advocate sr 41684.

+1 CC to Mr.Adithya Reddy, Advocate sr 42420.

+1 CC to Govt. Pleader sr 42291.

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VBA (CO)
SP (27/07/2018)



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