

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.17238 of 2018 and
W.M.P.No.20517 of 2018

1.S.Rajendran
2.N.Vetri
3.M.Senthilkumar
4.R.Ramesh

... Petitioners

Vs

The Director of Town Panchayats,
Kuralagam, Chennai-109.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to consider the representation dated 22.07.2016 and reminder on 18.07.2017 taking note of their appointment as Work Inspector as ordered vide proceedings dated 16.03.2006 and fix their seniority accordingly.

For Petitioners: Mr.N.Balamuralikrishnan

For Respondent : Mr.G.B.Rajesh,
Government Advocate

O R D E R

Heard Mr.N.Balamuralikrishnan, learned counsel for the petitioners. Mr.G.B.Rajesh, learned Government Advocate, takes notice for the respondent.

2. By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioners have filed the above writ petition to issue a Writ of Mandamus, to direct the respondent to consider the representation dated 22.07.2016 and reminder on 18.07.2017 taking note of their appointment as Work Inspector as ordered vide proceedings dated 16.03.2006 and fix their seniority accordingly.

4. All the writ petitioners joined service as Technical Assistant as they were fully qualified having diploma in Civil

Engineering. In spite of their long years of service, no action was taken for regularising their service. In the said circumstances, the petitioners appeared to have moved the then Tamil Nadu Administrative Tribunal by filing original applications in O.A.Nos.2002 and 2009 of 2004. The learned Tribunal allowed the original applications and held that the ban orders should not come in the way of regularising the petitioners and the ban orders would not be applicable to the case of the petitioners.

5. Thereafter, these petitioners moved this Court by filing W.P.Nos.30027 and 30028 of 2004, in order to erase the error crept in, in the order passed by the learned Tribunal, since the Tribunal stood abolished at that relevant time. This Court by its order dated 02.12.2004, accepted the claim of the petitioners and directed the respondent to implement the order. According to the learned counsel for the petitioners, in spite of the direction issued by this Court, no action was taken by the respondent.

6. In the meanwhile, G.O.Ms.No.183 dated 19.09.2008 was issued, sanctioning 250 posts of work Inspectors all over the State, in order to regularise the Technical Assistants like the petitioners herein. Pursuant to the Government Order, many Technical Assistants had their services regularised.

7. According to the learned counsel for the petitioners, the respondent had issued instructions vide proceedings dated 17.10.2008, to grant due seniority to the petitioners, since they had been appointed as Technical Assistant in 2006 itself. Despite the proceedings of the respondent, the seniority list was not finalised. In the meanwhile, it appears that the petitioners and others were further promoted as overseer in the year 2016. Despite the passage of time, the seniority in the feeder cadre was not fixed. In this regard, the petitioners have submitted a representations on 22.07.2016 and 18.07.2017, seeking for fixation of due seniority. However, the representations have not evoked any response and therefore, the petitioners are before this Court, seeking to issue a Writ of Mandamus.

8. Since the prayer sought for in the writ petition is limited in its scope, this Court is of the considered view that the Mandamus can be issued as prayed for by the petitioners. Since the issue of settlement of seniority of the petitioners is long over due and the same has not been settled as yet and the same would affect the carrier progression of the petitioners, it is imperative on the part of the respondent to take a decision on the settlement of the seniority of the petitioners as expeditiously as possible. The respondent is directed to dispose of the representations said to have been submitted by the

petitioners dated 22.07.2016 and 08.07.2017, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

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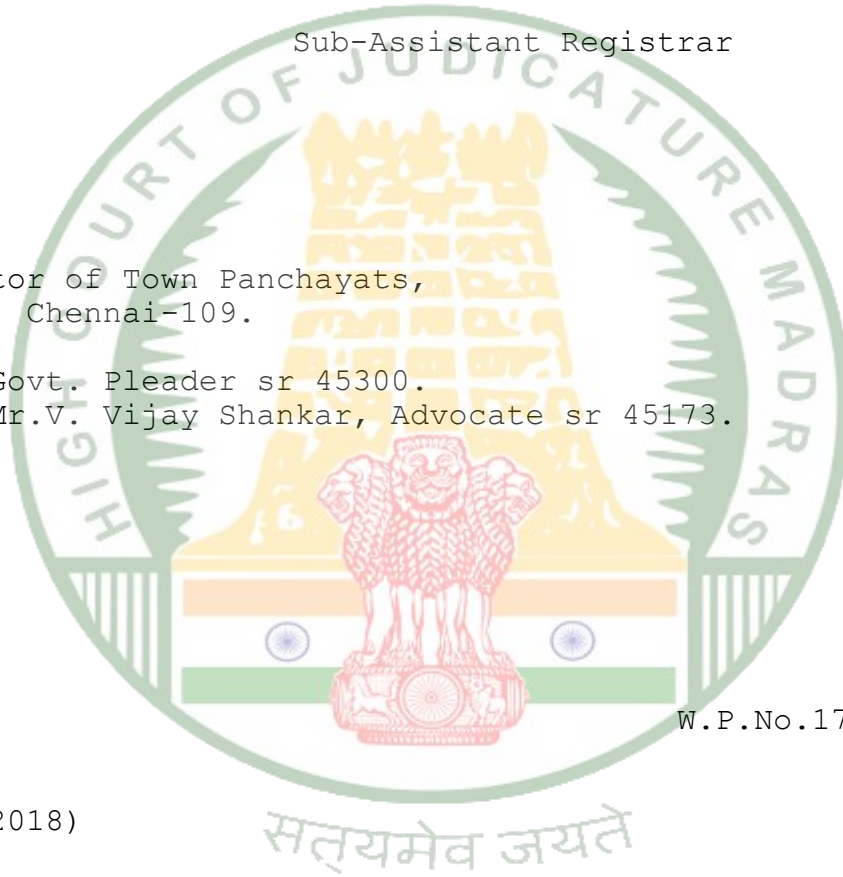
Sub-Assistant Registrar

gsk
To

The Director of Town Panchayats,
Kuralagam, Chennai-109.

+1 CC to Govt. Pleader sr 45300.

+1 CC to Mr.V. Vijay Shankar, Advocate sr 45173.



W.P.No.17238 of 2018

SP(14/08/2018)

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