



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM :

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P (MD) No. 15425 of 2018

and

W.M.P. (MD) Nos. 13886 and 13887 of 2018

WEB COPY

1. J. Pitchai Mani
2. R. Murugesan
3. G. Arumugam
4. E. Jeyakandhan
5. R. Saraswathi

... Petitioners

Vs.

1. The Commissioner of Labour,
O/o. the Commissioner of Labour,
DMS Compound,
Chennai - 600 006.

2. The Additional Commissioner of Labour,
(Administration), DMS Compound,
Chennai - 600 006.

3. The Deputy Commissioner of Labour,
(Establishment & General),
DMS Compound, Chennai - 600 006.

4. The Superintendant,
O/o. the Commissioner of Labour,
DMS Compound, Chennai - 600 006.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in E1/32618/2017, dated 30.06.2018 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to include the petitioners in the panel for promotion to the post of Upgraded Superintendent for the year 2017-2018 within the time stipulated by this Court.

For Petitioners : Mr. S. Louis

For Respondents : Mrs. S. Srimathy, Spl. G.P.

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in E1/32618/2017, dated 30.06.2018 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to include the petitioners in the panel for promotion to the post of Upgraded Superintendent for the year 2017-2018 within the time stipulated by this Court.



2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioners would submit that, these petitioners had been working as Assistants at the respondent department and the next promotion avenue for them is for the post of Superintendant. Since in the year 2013 onwards, the seniority list has not been properly fixed, the petitioners had given representation to the respondents and in this regard, on 04.01.2018, the third petitioner had given a detailed representation and in spite of that representation, through the impugned order dated 30.06.2018, a panel has been prepared and released by the respondent department. The learned counsel would further submit that though in the impugned panel dated 30.06.2018, it has been mentioned as a temporary panel for the candidates fit for promotion to the post of upgraded Superintendents by transfer and it had also been mentioned in the impugned order that objections and claims, if any can be made, within 15 days from the date of order. There is no scope for giving any objection, claims made by the persons like the petitioner as in the previous panel also in the year 2013, they had stated as temporary panel, however they had not considered the objections given and therefore, the petitioners' apprehension that if the present objections given on 04.01.2018 and on 06.07.2018 would be considered by the respondents, they will proceed to finalise the panel and accordingly, promotion will be given by overlooking the seniority claim made by the petitioners. Therefore, the learned counsel appearing for the petitioner would submit that, if the respondents are directed to consider the representation dated 04.01.2018 along with the objection dated 06.07.2018 objectively, within a time frame and thereafter, if the respondents proceed to finalise the panel, the petitioners would be satisfied.

4. I have heard the learned Special Government Pleader appearing for the respondents, who would submit that the impugned panel dated 30.06.2018 is a temporary panel and that is the reason why the respondents had invited the objections from affected persons like the petitioners, if any, and therefore, the request made in this regard by the third petitioner dated 04.01.2018 and objection dated 06.07.2018 would be considered by the respondents before finalisation or confirming the impugned panel.

5. Considering the said submissions made by both sides and taking into account the factual circumstances of the case, this Court is inclined to pass the following order:

"The respondents shall consider the representation of the third petitioner dated 04.01.2018 and the objections he has made on 06.07.2018, with regard to his claim of seniority for promotion to the post of upgraded Superintendents before finalising the impugned panel dated 30.06.2018 and the said consideration shall



be undertaken by the respondents, within a period of six weeks from the date of receipt of a copy of this order or before finalising the impugned panel dated 30.06.2018."

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Commissioner of Labour,
O/o.the Commissioner of Labour,
DMS Compound,
Chennai - 600 006.
2. The Additional Commissioner of Labour,
(Administration), DMS Compound,
Chennai - 600 006.
3. The Deputy Commissioner of Labour,
(Establishment & General),
DMS Compound, Chennai - 600 006.
4. The Superintendant,
O/o.the Commissioner of Labour,
DMS Compound, Chennai - 600 006.

+1cc to Mr.S.Louis, Advocate Sr.No.73497
+1cc to SPL.Govt.Pleader, Sr.No.73547

ARUL

KM/SV/SAR2/12.12.2018/3P/7C

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and
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