



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2018

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20699 of 2018

R. Selvaraj

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No. 12, Thambusamy Road,
Kilpauk, Chennai.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Ramanathapuram Region,
Ramanathapuram.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Bill Clerk in the permanent vacancy in pursuance of the regional wise seniority list in the light of the order passed by the 1st respondent in Se.Mu.Aa.No.E2/916/2016 dated 22.02.2016 by considering the petitioner's representation dated 22.06.2018.

For Petitioner : M/s.P.Yasmin Begum
For Respondents : Mr.Raja Karthikeyan

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Bill Clerk in the permanent vacancy in pursuance of the regional wise seniority list in the light of the order passed by the 1st respondent in Se.Mu.Aa.No.E2/916/2016 dated 22.02.2016 by considering the petitioner's representation dated 22.06.2018.

2. According to the petitioner, he has been appointed as Seasonal Bill Clerk on 27.01.2015 on temporary basis through employment exchange and on 27.03.2015 he has been discharged from



service after two months and again on 22.02.2016 he has been appointed as Bill Clerk and once again he has been discharged from service on 15.04.2016. The petitioner has stated that he was given work as Seasonal Bill Clerk / Helper and the said services have not been regularized. It is further stated that persons like that of the petitioner have approached this Court by filing Writ petitions and this Court has passed an order observing that state-wise seniority list shall not be followed and based on the submission of the respondent concerned, it has been recorded that region wise seniority has got to be followed for the purpose of providing job in a particular region. In view of the same, since the petitioner is also similar placed person, his case has to be considered and he should be provided with employment.

3. Even though no counter affidavit has been filed by the respondents, it is contended by the learned counsel for the respondents that the region wise seniority has not been followed and there is a settlement as early as 1997 between the workman and the management to maintain a separate seniority list for the Seasonal Employees like that of the petitioner which is a centralized one and from the said seniority list, the eligible candidates could be considered and appointed.

4. Due to the fact that the officials have given a go by to the settlement and has violated the settlement, the present confusion has come and at no point of time the settlement was brought to the attention of this Court earlier when an order was passed on 01.02.2013 or subsequently. It is further submitted by the learned counsel that appropriate disciplinary action will also be taken against the officials, who have floated such settlement.

5. Recording the submission of both the parties and there is a wage settlement on 30.01.1997 wherein it has been decided that seasonal employees would be absorbed in the vacancies based on the centralized seniority drawn and hence, the persons like that of the petitioner would be considered and appointed. It is further brought to the attention of this Court that on 24.08.2016 some of the persons like the petitioners have been considered and appointed based on the centralized seniority list.

6. In view of the submissions made by both parties, the respondents are directed to consider the case of the petitioner by placing him in appropriate place in the centralized seniority list and provide employment as has been given to others in terms of the proceedings dated 24.08.2016. It is needless to mention that a disciplinary action will have to be initiated against the officials concerned who have floated the above said settlement and the same has not been brought to the attention of this Court. The



officials need to be shown the doors. The Writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Ramanathapuram Region,
Ramanathapuram.

+ 1 CC TO Mr.K.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 89124

NBJ

TE/SV/SAR-2 : 23/11/2018 : 3P/4C

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