



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11068 of 2013

1.T.Jeevanantham
2.C.Chandrasekar
3.S.Krishnakumar
4.L.Raja Mohamed
5.S.Pitchumani
6.A.Peer Mohamed
7.C.Murugan

... Petitioners

Vs.

1. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.S.Mahesh
3.V.Nagarajan
4.S.Dhanraj Sathyanathan
5.M.Ayyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent relating to revision of seniority list dated 22.04.2013 as per the resolution no.2 of the appointing committee of the Tirunelveli Municipal Corporation and quash the same in the light of Rule 4 of the Tamilnadu Municipal Corporations Engineering and Water Supply Service Rules 1996 and consequently direct the Commissioner of Tirunelveli Municipal Corporation to restore the original seniority list published in Commissioner's Circular No.C1/11047/2011 dated 05.12.2012.

For Petitioners	: Mr.S.Visvalingam
For R1	: Mr.Ayiram K.Selvakumar
For R2 to R5	: No appearance

ORDER

The grievances of the writ petitioners are that the final seniority list was drawn by the respondents without providing any opportunity and notice to the writ petitioners.



2.The learned counsel appearing on behalf of the writ petitioners state that the original seniority list was published by the first respondent corporation on 05.12.2012 and the modified seniority list was published on 22.04.2013. However, no opportunity was given to the writ petitioners to submit their objections as required under the rules in force. The final seniority list is to be drawn by the employer, after receiving objections from the said holders, but no such exercise was done by the respondents, while publishing the final seniority list and the same prompted the writ petitioners to approach this Court under article 226 of the Constitution of India.

3.The learned counsel for the respondents states that based on the final seniority list, promotions were granted to many employees, for the past about five years.

4.In this view of the matter, this Court is of an opinion that the writ petitioner must be permitted to submit his explanation / objections in respect of the seniority list published on 22.04.2013 and the respondents are bound to consider the same on merits and in accordance with law. Thus, the petitioners are at liberty to submit a fresh representation, setting out all their grievances within a period of four weeks from the date of receipt of a copy of this order and if any such representation is received from the petitioners, the first respondent is directed to consider the same and take a decision and pass orders on merits and in accordance with law within a period of 12 weeks thereafter.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

+ 1 cc TO Mr.S.Visvalingam , Advocate in SR No. 58287

pnn
AE/JC/SAR2/18.04.2018/2P/3C