

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.38228 of 2004

and

W.P.M.P.No.45757 of 2004

A.Rajakumar

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep.by its Secretary,
Secretary to Government,
Social Welfare (Nutrition and Noon Meal Programme Department),
SW-8, Fort St. George,
Chennai - 9.

2.The Director,
Department of Social Defence,
153, Purasavalkam High Road, Kellys,
Chennai - 10.

... Respondents

Prayer :Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his Proceedings No.1724/A1/2004 dated 24.09.2004 and to quash the same and to consequentially direct the respondents to promote the petitioner to the post of Assistant with effect from 18.12.1986 and to the post of Office Manager with effect from 03.09.1997 and to the post of Observation Home Superintendent with effect from 11.12.2003 on par with that of his junior Kandasamy with all attendant benefits and other benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.K.Bhuvaneshwari
Additional Government Pleader

O R D E R

The prayer sought for in the writ petition is to call for the records of the second respondent in his Proceedings No.1724/A1/2004 dated 24.09.2004 and to quash the same and to consequentially direct the respondents to promote the petitioner

to the post of Assistant with effect from 18.12.1986 and to the post of Office Manager with effect from 03.09.1997 and to the post of Observation Home Superintendent with effect from 11.12.2003 on par with that of his junior Kandasamy with all attendant benefits and other benefits.

2. Under the Rule 35 (f) of the Tamil Nadu State and Subordinate Services Rules, an application for revision of seniority should be made within a period of three years from the date of order, fixing the seniority. In the instant case, the seniority list of the petitioner, was fixed on 01.03.1989 and the petitioner herein has sought for revision on 21.01.2004 after a lapse of three years. It is, on this ground that the impugned order came to be passed, rejecting the petitioner's requests seeking for revision of seniority.

3. I do not find any infirmity in such a finding, in view of the Rule 35 (f) of the Tamil Nadu State and Subordinate Services Rules. As such, there are no merits in this writ petition. Hence, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Vsi2

To

1.The Secretary,
Government of Tamilnadu,
Social Welfare
(Nutrition and Noon Meal Programme Department),
SW-8, Fort St. George,
Chennai - 9.

2.The Director,
Department of Social Defence,
153, Purasavalkam High Road, Kellys,
Chennai - 10.

+1cc to the Government Pleader, S.R.No. 10771

W.P.No.38228 of 2004

and

W.M.P.No.45757 of 2004

PP(CO)
GN(23/03/2019)