

IN THE HIGH COURT OF JUDICATURE AT MADRAS

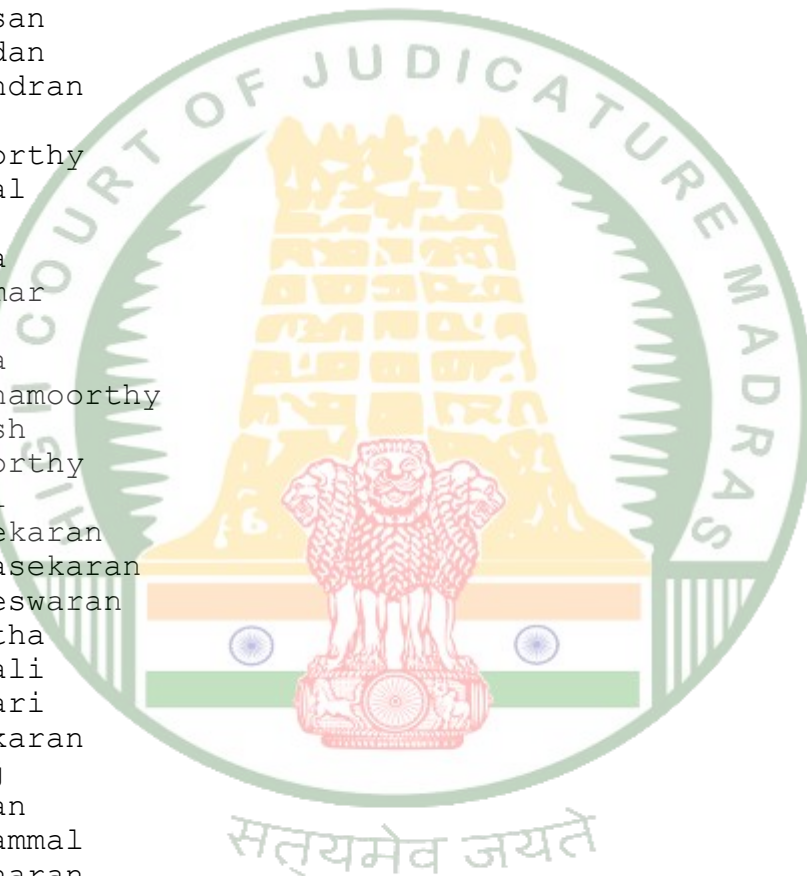
DATED: 17.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.61 of 2012

- 1.Bharathi Srinivasan
- 2.V.Srinivasan
- 3.V.Manikandan
- 4.J.Ravichandran
- 5.P.Malini
- 6.N.Guru Moorthy
- 7.P.Rajagopal
- 8.R.Padma
- 9.N.Kousalya
- 10.C.Madukumar
- 11.S.Selvi
- 12.R.Shantha
- 13.A.Narayanamoorthy
- 14.S.G.Ramesh
- 15.T.Ramamoorthy
- 16.R.Sridevi
- 17.M.Dhanasekaran
- 18.V.Chandrasekaran
- 19.G.Jagadeeswaran
- 20.M.Hemalatha
- 21.H.Ehasanali
- 22.S.Rajeswari
- 23.S.Rajasekaran
- 24.N.Devaraj
- 25.P.Krishnan
- 26.N.Govindammal
- 27.G.P.Manoharan
- 28.S.Thanigaivelu
- 29.C.Selvam
- 30.R.Lalitha
- 31.K.Rathinasabapathy
- 32.A.P.Arumuga Venkatesh
- 33.S.Shanmugavel
- 34.A.Rapson David
- 35.G.Umadevi
- 36.M.Subbulakshmi
- 37.M.Ganesan Koodalingam
- 38.M.Arulraj
- 39.K.Parthasarathy



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40.R.Muthiah
41.K.Marthandaboopathy

.. Petitioners

Vs.

- 1.The Government of Tamilnadu,
Rep. By the Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai 600 009.
- 2.The Secretary,
Personnel and Administrative Reforms (per B) Department,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.
- 3.The Director of Employment and Training,
Guindy, Chennai 600 032.
- 4.The Joint Director (Employment and Training),
Guindy, Chennai 600 032. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to fix the seniority in the cadre of Assistants in accordance with Rule 35 (aa) of the Tamilnadu State and Subordinate Service Rules by determining such seniority with reference to the date on which the persons, including the petitioners, are regularly appointed to the said category of Assistants and consequently fix the seniority in the cadre of Junior Employment Officer also in accordance with the said Rule with effect from the date of appointment to such category and grant all consequential benefits.

For Petitioners : Mr.S.Rajasekhar

For R1 to R4 : Mr.K.Ravikumar
(Additional Government Pleader)

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O R D E R

The present Writ Petition is filed for an issuance of a Writ of Mandamus, directing the respondents to fix the seniority in the cadre of Assistants in accordance with Rule 35 (aa) of the Tamilnadu State and Subordinate Service Rules by determining such seniority with reference to the date on which the persons, including the petitioners, are regularly appointed to the said

category of Assistants and consequently fix the seniority in the cadre of Junior Employment Officer also in accordance with the said Rule with effect from the date of appointment to such category and grant all consequential benefits.

2. Heard the learned counsel appearing for the petitioners as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. According to the petitioners, some of them were appointed originally as Junior Assistant and some as Typist. The said posts were upgraded as Assistant on various dates. Subsequently, they were promoted as Junior Employment Officer on different dates and they were working as such from the date of promotion. According to the petitioners, the Steno-Typist can be promoted to the post of Assistant against the extent of 5% of vacancies and their seniority in the said post of Assistant ought to have been only with effect from their date of promotion and regularization in the post of Assistant and their period of service in the post of Steno-Typist can be taken into account. The petitioners have given representation to the respondents that Steno-Typist can be promoted to the post of Assistant only upto 5% of existing vacancies and no order was passed in the said representations. In such circumstances, the petitioners have come out with the present Writ Petition for issue of Writ of Mandamus, directing the respondents to fix the seniority in the cadre of Assistant in accordance with Rule 35 (aa) of the Tamilnadu State and Subordinate Service Rules with reference to the date on which the persons including the petitioners are regularly appointed to the said category of Assistant and subsequently, fix the seniority in the cadre of Junior Employment Officer and all consequential benefits.

4. When the matter is taken up for final hearing, the learned Additional Government Pleader appearing for the respondents submitted that some of the petitioners got retired and most of the petitioners were promoted and seniority has been fixed in accordance with Rule 35 (aa) of the Tamilnadu State and Subordinate Service Rules and hence, nothing survives in the Writ Petition and prayed for dismissal of the Writ Petition.

5. The learned counsel appearing for the petitioners submitted that seniority of all the petitioners were fixed as per Rule 35 (aa) of the Tamilnadu State and Subordinate Service Rules and prayed to give liberty to work out the remedy in so far as the pay parity on par with their juniors.

6. Considering the entire materials on record and contentions of the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the

respondents, it is suffice to direct the petitioners to give representations to the respondents with regard to pay parity within a period of two weeks from the date of receipt of a copy of this order, on receipt of which, the respondents are directed to consider and dispose of the representations with regard to pay parity within a period of eight weeks thereafter on merits and in accordance with law.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsa

To

- 1.The Government of Tamilnadu,
Rep. By the Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai 600 009.
- 2.The Secretary,
Personnel and Administrative Reforms (per B) Deparment,
Government of Tamilnadu,
Fort St. George, Chennai 600 009.
- 3.The Director of Employment and Training,
Guindy, Chennai 600 032.
- 4.The Joint Director (Employment and Training),
Guindy, Chennai 600 032.

+1cc to Mr.Rajasekar, Advocate Sr.48844

+1cc to the Government Pleader Sr.49427

W.P.No.61 of 2012

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srg 01/07/2019