

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.07.2019**CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P(MD)Nos.10947 to 10950 of 2015****and****M.P(MD)Nos.1,1,1 of 2015**W.P(MD)No.10947 of 2015

N.Vedha

... Petitioner

Vs

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Block Development Officer,
Pudukkottai,
Pudukkottai District.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the petitioner's seniority in the post of Assistant by following Rule 35(b) of the State and Subordinate Service Rules.

W.P(MD)No.10948 of 2015

B.S.Shyamala

... Petitioner

Vs

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Pudukkottai District,
Pudukkottai.



3.The Block Development Officer,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the petitioner's seniority in the post of Assistant by following Rule 35(b) of the State and Subordinate Service Rules.

W.P(MD)No.10949 of 2015

K.Edison

... Petitioner

Vs

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Block Development Officer,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the petitioner's seniority in the post of Assistant by following Rule 35(b) of the State and Subordinate Service Rules.

W.P(MD)No.10950 of 2015

M.Dakshinamoorthy

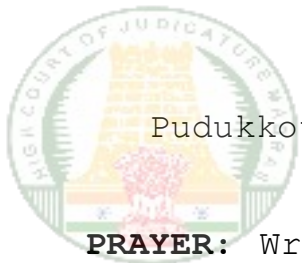
... Petitioner

Vs

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The Block Development Officer,
Pudukkottai,



Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the petitioner's seniority in the post of Assistant by following Rule 35(b) of the State and Subordinate Service Rules.

For Petitioners : Mr.P.Kalaiyarasi Bharathi
in all Wp's
For R1 to R3 : Mr.D.Muruganantham in all WP's
Additional Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is for a direction to direct the respondents to fix the petitioners' seniority in the post of Assistant by following the Rule 35(b) of the State and Subordinate Service Rules.

2.The writ petitioners were appointed as Steno Typist on 16.05.1990 initially by Tamil Nadu Public Service Commission. The grievance of the writ petitioners is that Rule 35(b) was not implemented in the matter of fixation of seniority. Even in the case of any violation of rules, the petitioners have to properly implead all the necessary parties as well as to challenge the seniority list which is not in consonance with the rules in force. Contrarily, such a general prayer seeking a direction to direct the respondents to fix the petitioners' seniority for the post of Assistant by following Rule 35(b) cannot be considered at all. The competent authorities are bound to prepare the seniority list by following the procedures contemplated and accordingly publish the same, enabling the affected persons to file their objections or otherwise.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that in a similar issue, the Division Bench of this Court has granted stay in favour of the Government. This apart, the seniority list itself was published subsequently, during the pendency of the writ petition and the promotions were also granted as per seniority list. The seniority list subsequently published is also under challenge in some other writ petition. In respect of the subsequent seniority list the Government preferred a writ appeal and stay was obtained to act in accordance with the seniority list published by the Department. This being the factum of the case, the relief as such sought for in the writ petitions cannot be granted.



4. Accordingly, these writ petitions are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.
- 2.The District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Block Development Officer,
Pudukkottai,
Pudukkottai District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.72812

W.P(MD)Nos.10947 to 10950 of 2015

01.07.2019

BUC(10.07.2019) 4P 5C