



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.02.2019
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P.(MD)Nos.11537 and 11538 of 2016
and
WMP(MD)Nos.1346, 1347, 8817 and 8818 of 2016

1.V.S.Petchimuthu ...Petitioner in W.P.(MD)No.11537 of 2016

2.G.Namasivayam ...Petitioner in W.P.(MD)No.11538 of 2016

/Vs./

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Employment and Training,
Fort St.George, Chennai - 600 009.

2.The Director,
Directorate of Employment and Training,
Guindy, Chennai - 600 032.

3.The Joint Director,
Directorate of Employment and Training,
Guindy, Chennai - 600 032.

...Respondents in both the writ petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioners' representation, dated 04.01.2016 and to revise the seniority list published by the second respondent in his proceedings Order No.ThoNu.Pa.1/44072/2015, dated 14.12.2015 by following the dictum laid down by the Hon'ble Apex Court in the Judgment of Union of India and others v. Virpal Singh Chauhan and others, (1995) 6 SCC 684 and fix the petitioners' seniority by considering their date of appointment.

For Petitioner in
both W.Ps.

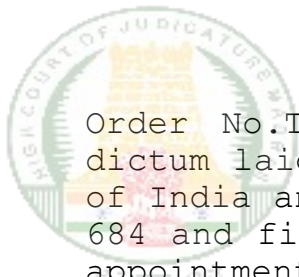
: Mr.K.Siva Senthil Murugan

For Respondents in
both W.Ps.

: Mrs.J.Padmavathy Devi
Special Government Pleader

COMMON ORDER

These writ petitions have been filed for issuance of Writ of Mandamus directing the second respondent to consider the petitioners' representation, dated 04.01.2016 and to revise the seniority list published by the second respondent in his proceedings



Order No.ThoNu.Pa.1/44072/2015, dated 14.12.2015 by following the dictum laid down by the Hon'ble Apex Court in the Judgment of Union of India and others v. Virpal Singh Chauhan and others, (1995) 6 SCC 684 and fix the petitioners' seniority by considering their date of appointment.

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2.Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

3.For revising the seniority list published by the second respondent in his proceedings dated 14.12.2015, the petitioners approached the authorities by their representation, dated 04.01.2016. The said representations have not been considered so far. Hence, the petitioners are before this Court.

4.A Counter affidavit has been filed by the third respondent, wherein it is stated that the matter was submitted to the Government for clarification. In Government Lr.No.5724/Pa2/16-1, Labour and Employment, dated 05.04.2016, it has been stated that the promotion of Training Officer must be fixed as per Rule 35(a) and as per the communal roster rank in the feeder category of Junior Training Officer and date of joining is not considered to fix seniority. Hence, the claim of the petitioners that the action is contrary to the service rules is not correct and hence, he prayed for dismissal of these writ petitions.

5.According to the learned counsel for the petitioners, such stand taken by the respondents is not in line with the Judgment passed by the Hon'ble Apex Court in Union of India and others v. Virpal Singh Chauhan and others, (1995) 6 SCC 684 and unless otherwise an order is passed by the authorities, the same cannot be taken into consideration.

6.In view of the above, without going into the merits of the claim made by the petitioners, the respondents are directed to consider the representation of the petitioners, dated 04.01.2016 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioners and also in the light of the Judgment of the Hon'ble Apex Court referred to supra, within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-I)

/TRUE COPY/



To

1.The Secretary to Government,
Department of Employment and Training,
Fort St.George, Chennai - 600 009.

2.The Director,
Directorate of Employment and Training,
Guindy, Chennai - 600 032.

3.The Joint Director,
Directorate of Employment and Training,
Guindy, Chennai - 600 032.

+2. C.C. to M/S.M.SARAVANA KUMAR, Advocate SR.No. 50010, 50011
+1 cc to Special Government Pleader, SR.No. 50150

W.P.(MD)Nos.11537 and 11538 of 2016
26.02.2019

RJ2

JM/04.04.2019/3P/7C