

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.16726 of 2007
(O.A.No.1882 of 2003)

1.C.Arumugam
2.P.M.Boopathy
3.K.Ramamurthy
4.S.S.Rajan Babu
5.B.Kannan
6.D.Viswanathan
7.K.Balakrishnan
8.S.Ramalingam
9.K.Kandasamy
10.R.Veeramani
11.P.Venugopal

... Petitioners

Versus

The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

... Respondent

Prayer:-

Originally this petition has been filed as Original Application No.1882 of 2003 before the Tamilnadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16726 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to order bearing Roc.No.13659/2001/PA3 dated 22.07.2002 of the respondent herein and quash the same and direct the respondent to refix the seniority of the applicants in the cadre of Junior Assistant by applying rule 11(b) of the Rules contained in G.O.Ms.No.1163 RD & LA dated 10.06.1976 with all consequential benefits such as refixation of seniority in the cadre of Assistant and Extension Officer etc.,.

For Petitioners : M/s.Hemalatha
for Mr.V.Suthakar

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The petitioners have filed Application before the Tamilnadu Administrative Tribunal, Chennai in the year 2003 in O.A.No.1882 of 2003. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumbered as W.P.No.16726 of 2007.

2. This Writ Petition has been filed challenging the order passed by the respondent in Roc.No.13659/2001/PA3 dated 22.07.2002 and direct the respondent to refix the seniority of the applicants in the cadre of Junior Assistant by applying rule 11(b) of the Rules contained in G.O.Ms.No.1163 RD & LA dated 10.06.1976 with all consequential benefits such as refixation of seniority in the cadre of Assistant and Extension Officer etc.,.

3.The learned counsel for the petitioners would submit that the seniority was fixed already to the similarly placed persons vide proceedings in Na.Ka.No.25408/94/PA3 dated 29.04.97. Whereas the petitioners' representation was rejected on the ground that there was delay and laches. Therefore, the seniority of the petitioners have to be refixed though all the petitioners retired and notional benefits has to be extended.

4. The learned Special Government Pleader appearing for the respondents would submit that similarly placed persons applied on time and they were given the benefits. The petitioners' representation was rejected only on the ground that they have not preferred any appeal within 30 days time limit prescribed and not challenged the seniority within three years. Therefore, the representation was rejected. Therefore, priority has been given to them and the same benefit cannot be extended to these petitioners since they have not filed appeal in time. Therefore, the relief sought for by the petitioners cannot be granted.

5.Heard the learned Special Government Pleader and perused the materials available on record.

6.It is seen that admittedly the panel rejected the plea of the petitioners on the ground that they made representation only after 4 years and not submitted their representation within 3 years from the date of publication/receipt of the priority list or within 60 days from the date of publication of confirmation of the list. Admittedly petitioners have not made representations within this stipulated time. Further, the

petitioners have already retired from service. Therefore, under these circumstances, the impugned order passed by the respondent is not liable to be quashed and there is no merit in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mpa

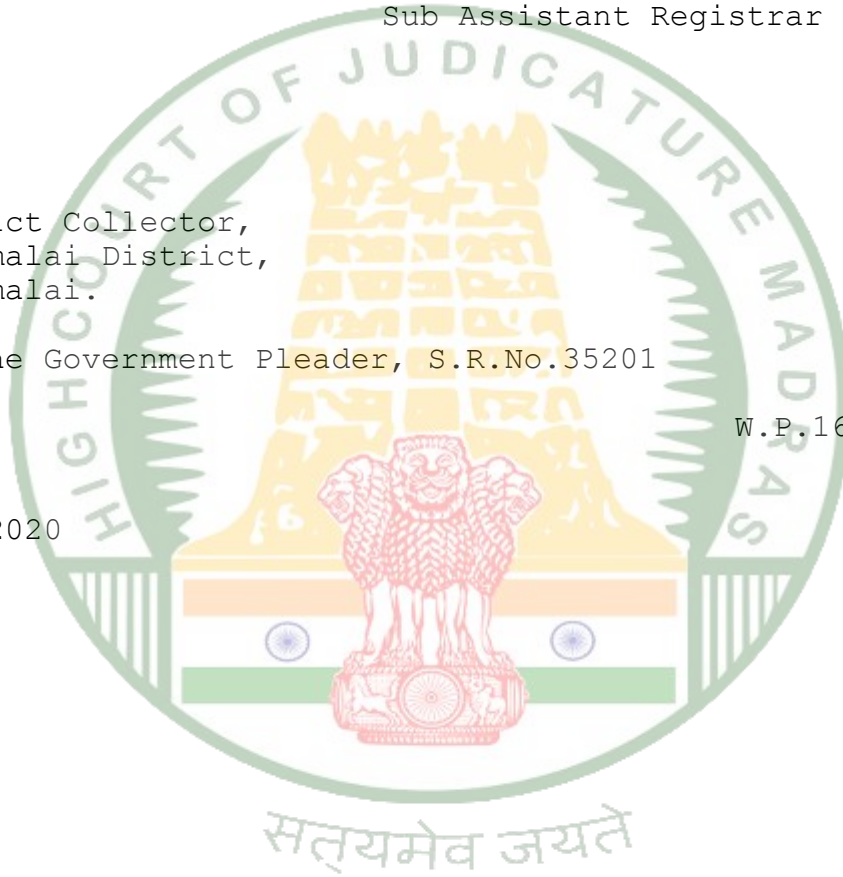
To

The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

+1cc to the Government Pleader, S.R.No.35201

W.P.16726 of 2007

MP (CO)
CS/08/12/2020



WEB COPY