

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.39357 of 2005

K.Dhanasekar

.. Petitioner

Vs

The Commissioner of Labour,
Chennai - 600 006.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the respondent in G1/18737/2005-1 dated 21.04.2005 and quash the same insofar as the rejection of the petitioner's representation dated 5.4.2005 is concerned and direct the respondent to fix the petitioner's seniority taking into account the date of passing the departmental tests, namely 16.11.1993 and place the petitioner above all persons who were promoted to the post of Assistant after 16.11.1993 and grant all consequential benefits to the petitioner.

For Petitioner : No representation

For Respondent : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a issuance of writ of certiorarified mandamus to quash the impugned order of the respondent dated 21.04.2005, insofar as the rejection of the petitioner's representation dated 5.4.2005 and to direct the respondent to refix the seniority of the petitioner over and above the persons, who were promoted to the post of Assistant after 16.11.1993 and grant all consequential benefits to the petitioner.

2. There is no representation for the petitioner.

3. Heard the learned Special Government Pleader for the respondent and perused the materials available on record.

4. It is submitted by the learned Special Government Pleader appearing for the respondent that the issue involved in this writ petition is squarely covered by the order passed by this Court in a batch of writ petitions in W.P.Nos.8264 of 2006 etc., dated 04.12.2009, which reads as follows:

"...7. In view of the said Division Bench Judgment and having regard to the facts of these cases, the impugned seniority list is set aside with a direction to refix the seniority of the petitioners taking note of the date of passing the required tests by the petitioners while working in the cadre of Assistant and pass appropriate consequential orders, placing the petitioners above the third respondent. Necessary orders are directed to be passed within a period of eight weeks from the date of receipt of copy of this order.

8. All the writ petitions are allowed with the above direction. No costs. Connected miscellaneous petitions are closed."

5. In the light of the above submissions made by the learned Special Government Pleader appearing for the respondent, this Court is of the considered opinion that the order passed in the above writ petition is squarely applicable to the facts of the present case and the same benefits to be extended to the petitioner also. Hence, this writ petition is allowed. However there shall be no order as to costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ms

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To

The Commissioner of Labour,
Chennai - 600 006.

+1 CC to Govt Pleader SR NO.37563

W.P.No.39357 of 2005

NRJK[CO]
MK:19/12/2020



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