

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29151 OF 2013

K.Nagaselvi

..Petitioner

- Vs -

1. State of Tamilnadu
Rep by Secretary of Govt.
Municipal Admn & Water Supply Dept,
Fort St, Geroge,
Chennai 9.
2. The Managing Director,
Chennai Metropolitan Water Supply &
Sewerage Board
No.1, Pumping Station Road,
Chindaripet,
Chennai-2.
3. S.Vennila
Asst. Engineer P&D Department,
CMWSSB office,
No.1, Pumping Station Road,
Chindaripet,
Chennai-2.
4. K.Latha
Asst. Engineer P&D Department,
CMWSSB office,
No.1, Pumping Station Road,
Chindaripet,
Chennai-2.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents 1 and 2 to fix the seniority of the petitioner in the serial No.32, over and above the respondents 3 and 4 in the seniority list of Asst. Engineers drawn by the 2nd respondent in the proceedings dated 14.06.2013 and made in Proc.No.CMWSSB/P&A/STF/RA3/16548/2012.

For Petitioner : Mr. A.P.Balasubramani

For Respondents : Mr.S.Thangavel , Spl.G.P. For R1
: Mr.N.Ramesh for R2

ORDER

The petitioner is working as Assistant Engineer in Depot. 108, Area -VIII, in the Chennai Metro Water Supply & Sewerage Board, Anna Nagar Office at Chennai-04. The petitioner was appointed as priority candidate in the year 2007. It is the further averment of the petitioner that till 2010, no seniority list was drawn by the 2nd respondent for making promotion to the higher post. On 23.11.2010, a seniority list of Asst. Engineers was prepared by the said Board and the same was communicated to all Asst. Engineers for the purpose of raising objections. According to petitioner, she submitted her objections through proper channel on 15.12.2010 and subsequently, a revised seniority list of Asst. Engineers was published. Once again the petitioner submitted her objections before the said board, but the second respondent has not considered her objections. However, the said seniority list was once again revised and published on 14.06.2013 and the same was communicated to all the Asst. Engineers. It is further the averment of the petitioner that seeking some clarification, on 06.09.2013 the petitioner submitted further objection and sought some clarifications from the Board. However, the objections were not considered and replied, but the second respondent finalized and confirmed the seniority list of Asst. Engineers dated 14.06.2013 and has approved a panel of Asst. Engineers for making promotion to the post of Asst. Executive Engineers. Hence, left with no other option, the petitioner approached this Court by filing this writ petition with the above said prayer.

2. Though very many grounds have been raised in the writ petition, however, when the matter is taken up, learned counsel appearing for the petitioner submitted that it would be suffice if this Court directs the respondents to consider the objections raised by the petitioner to the seniority list published and pass orders within a particular time frame.

3. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no objections to such a direction being passed.

4. In view of the limited relief sought for, this Court without going into the merits of the issue, directs the petitioner to submit a fresh representation/objections along with a copy of this order to the 2nd respondent, within a period

of two weeks from the date of receipt of a copy of this order and on such representation/objections being filed, the 2nd respondent is directed to consider the same and pass thereon in accordance with law within a period of three months thereafter.

5. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

jrs/GLN

To

1. The Secretary of Govt.
Municipal Admn & Water Supply Dept,
Fort St, Geroge, Chennai 9.
2. The Managing Director,
Chennai Metropolitan Water Supply &
Sewerage Board
No.1, Pumping Station Road,
Chindaripet,
Chennai-2.

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KKV/17/08/2020

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