

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31685 of 2013

S.K.Natarajan

... Petitioner

Vs.

The Secretary to Government of Tamilnadu
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 9.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to promote the petitioner as Executive Officer Special Grade and as Assistant Director of Town Panchayat on par with his junior Mr.K.Bhojan and further as Joint Director together with consequent revision of pay, arrears of pay and revision of pension and other terminal benefits with reference to the placement in the final seniority list dated published on 12.07.2013.

For Petitioner	: Mr.V.Vijayshankar
For Respondent	: Mr.A.N.Thambidurai Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to promote the petitioner as Executive Officer Special Grade and as Assistant Director of Town Panchayat on par with his junior Mr.K.Bhojan and further as Joint Director together with consequent revision of pay, arrears of pay and revision of pension and other terminal benefits with reference to the placement in the final seniority list published on 12.07.2013.

2.The case of the petitioner is that the petitioner joined the service as Record Clerk in Pallapatti Town Panchayat and was promoted as Junior Assistant and further promoted as Head Clerk and was posted at Sirugamani Town Panchayat. The petitioner was further promoted as Executive Officer Grade I and was posted at Koothapar Town Panchayat. The petitioner was further promoted as Executive Officer Selection Grade and while the petitioner

was working at Manachanallur Town Panchayat, he retired from service on attaining the age of superannuation on 30.04.2010.

3.It is the further case of the petitioner that the Tamilnadu Administrative Tribunal has in a batch of cases held that seniority to the post of Executive Officer should be reckoned with reference to the date of entry into Ministerial service in each districts, against which, the respondent filed SLP before the Hon'ble Supreme Court and the said SLP was dismissed, however, no steps were taken by the respondent to recast the seniority on the basis of initial entry into service.

4.It is the further case of the petitioner that on 12.07.2013, the final seniority list of Executive Officers were published. Thereafter, the petitioner came to know that many of his juniors were promoted as Assistant Director of Town Panchayats overlooking the seniority of the petitioner. In this regard, the petitioner made representation dated 04.09.2013 to the respondent and since no orders were passed, has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 04.09.2013 and to pass appropriate orders, within a reasonable time frame.

6.The learned Special Government Pleader would submit that if the representation of the petitioner dated 04.09.2013, has not yet been considered, this Court may issue such a direction.

7.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court directs the respondent to consider the petitioner's representation dated 04.09.2013 and to pass appropriate orders, on merits and in accordance with law, if the same has not yet been considered, as expeditiously as possible.

8.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

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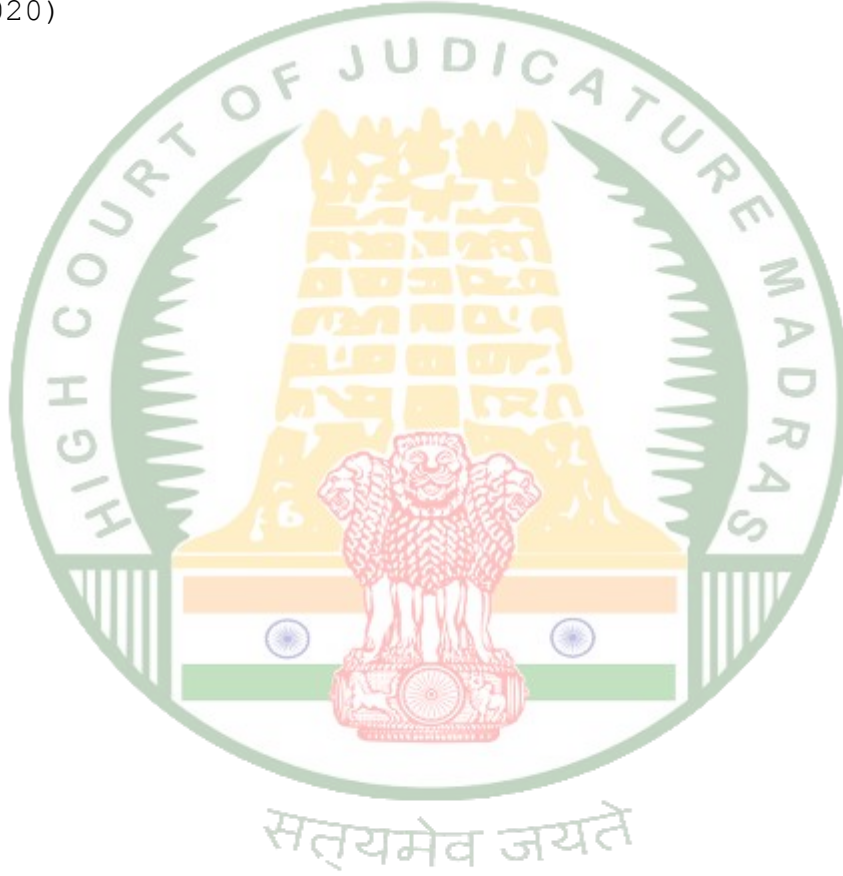
Sub Assistant Registrar

To
The Secretary to Government of Tamilnadu
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 9.

+1 cc to the Government Pleader, High Court, Madras
in SR.28492 dt:1.9.2020

W.P.No.31685 of 2013

mr(co)
rv(22/9/2020)



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