

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.08.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.Nos.8138 to 8140, 8142 to 8144 of 2020

W.P.No.8138 of 2020

V.S.Ravindranath	...Petitioner in W.P.No.8138 of 2020
K.Dhanavel	...Petitioner in W.P.No.8139 of 2020
M.I.Mohanned Baseed	...Petitioner in W.P.No.8140 of 2020
S.Dakshinamoorthy	...Petitioner in W.P.No.8142 of 2020
S.Kumar	...Petitioner in W.P.No.8143 of 2020
S.Srithar	...Petitioner in W.P.No.8144 of 2020

Vs.

The Principal Chief Engineer,
(Water Resources Department)
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-600 00

...Respondent in all the WPs

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Mandamus directing the respondent to forthwith approve the seniority list in Letter No.S4(2)/50213/Electrical/2020, dated 28.01.2020 in so far as it pertains to the petitioner and grant promotion in accordance with the seniority contained therein to the post of Technical Assistant (Electrical), by considering the representation dated 03.03.2020,02.03.2020 in a time bound manner.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.P.S.Siva Shanmuga Sundaram
Special Government Pleader

COMMON ORDER

The matters are taken up through Web hearing.

2.The case of the petitioners is that they were originally appointed as NMR Employees in 1996 and their services were subsequently regularized by G.O.Ms.No.334 PW(C2) Department dated 19.10.2007. Since, these petitioners were eligible both in terms of education and service qualification, they were appointed to the post of Wireman Grade II. The posts in which

the petitioners are holding are the feeder category for promotion to the post of Junior Engineers. A seniority list was published on 28.01.2020 for the year 2019-20, in which the petitioners names figured as being the senior most employees eligible to be promoted to the next higher grade.

3.While so, one other employee Mr.Senthil Kumar, who appeared to have been aggrieved that his seniority was improperly fixed as against two other employees, has approached this Court in W.P.No.3676 of 2020. The said Senthil Kumar had impleaded some employees, who were identically placed like the petitioner therein, who were likely to supersede the petitioner. This Court is also informed that in the said writ petition there is an interim order passed by this Court in favour of the petitioner therein.

4.As far as these writ petitioners are concerned, according to the learned counsel appearing for them, the said writ petition has nothing to do with the claim of the petitioners herein and it was entirely a case between the said Senthil Kumar vis-a-vis private respondents impleaded in that writ petition. The pendency of the said writ petition has absolutely no bearing on the claim of the petitioners herein and so also the operation of the interim order passed by this Court in the said writ petition.

5.The grievance of the petitioners herein is that the seniority list published on 28.01.2020 has not been acted upon in view of the pendency of the said writ petition, though the same has no bearing on the claim or interest of these writ petitioners. Hence, the present writ petitions seeking for issuance of writ of mandamus.

6.In response to the notice issued by this Court, Mr.P.S.Siva Shanmuga Sundaram, learned Special Government Pleader, entered appearance on behalf of the respondent.

7.When the matters were taken up for hearing, Mr.P.Siva Shanmuga Sundaram, the learned Special Government Pleader, has fairly admitted that the claim of the petitioners can be independently considered de hors the pendency of W.P.No.3676 of 2020. On instructions, the learned Special Government Pleader submitted that the said writ petition has nothing to do with the claim of these petitioners and therefore, he submitted that a direction may be issued to approve the seniority list for further promotion, in accordance with the said seniority list.

8.In view of the submissions of the learned Special Government Pleader, all the writ petitions are disposed of as under;

(i)The respondent is directed to act upon the seniority list dated 28.01.2020 in order to effect promotion of the eligible persons according to the seniority list, including the petitioners herein and to that effect the respondent is directed to pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order, without taking into consideration the pendency of W.P.No.3676 of 2020.

(ii)The above direction is issued in view of the categoric submissions made, on instructions, by the learned Special Government Pleader, admitting the case of the petitioners that the pendency of the above said writ petition may not be a bar for consideration of the petitioners' claim.

No costs.

msk/mrm

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Principal Chief Engineer,
(Water Resources Department)
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-600 00

+1 cc to Government Pleader Sr.No. 26136

W.P.Nos.8138 to 8140, 8142 to 8144 of 2020

A.SK(20/08/2020)