

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26016 of 2016
and
W.M.P.No.22298 of 2016

1 J.Bala Srinivasan
No.17/16 Peters Colony,
Royapettai Chennai-14 ... Petitioner

Vs.

1 The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Chennai-9 ... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to forthwith publish the inter-seniority list of Assistant for the period 2001-2010 maintained under Rule 20(a) of the Tamil Nadu legislative Assembly Secretariat Service Rules and furnish a copy of the petitioner herein and consequently publish the seniority list for the post of Assistant Section Officer and then Section Officer before finalizing the panel of Section Officer eligible for promotion as Under Secretary in accordance with law.

For Petitioner : Mr.V.R.Rajasekaran

For Respondent : Mr.S.Thangavel, Spl.G.P.

O R D E R

Writ petitioner made a representation to the respondent to publish inter-se seniority list of Assistant for the period 2001-2010 as on 5.9.2015 to finalise the seniority list for the post of Assistant, Assistant Section Officer and Section Officer before preparing a panel for the post of Under Secretary for the year 2015-16.

2. At the time of admission, this Court passed an order directing the respondent to keep one post of Under Secretary

vacant for the petitioner pending disposal of the writ petition. In the meantime, the writ petitioner was promoted as Under Secretary at Secretariat.

3. At this stage, the learned counsel appearing for the petitioner requested this Court to consider the petitioner's representation, dated 5.9.2015 by finalising the seniority list for the post of Assistant as on 18.10.2007. Since the petitioner is not in a position to know his seniority for claiming promotion to the next avenue, the respondent may be directed to consider his representation, dated 5.9.2015 and pass appropriate orders.

4. The learned Special Government Pleader appearing for the respondent would submit that when the writ petitioner was promoted to the post of Under Secretary, Secretariat, the interim direction already granted by this Court has become infructuous. Further, the learned Special Govt. Pleader submitted that panel for promotion to the post of Assistant, Assistant Section Officer and Section Officer has been prepared and the orders have been issued promoting the qualifying persons in the promoted posts.

5. In view of the aforesaid submissions made by the counsel for the parties, this Court is of the view that the respondent has not published the interse seniority list for the post of Assistant, Assistant Section Officer and Section Officer as on 18.10.2007. To this extent, it is appropriate for this Court to pass the following order:

Without expressing any opinion on merit, the respondent is directed to consider the petitioner's representation, dated 5.9.2015 and pass orders on merit and in accordance with law, as expeditiously as possible preferably within a period of three months from the date of receipt of copy of this order.

Accordingly the writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vaan

TO

The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Chennai-9.

+1cc to Mr.V.R.Rajasekaran, Advocate, S.R.No. 14400

W.P.No.26016 of 2016
and W.M.P.No.22298 of 2016

PP (CO)
GN(05/03/2020)



WEB COPY