

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.8908 of 2020 and
W.M.P.No.10831 & 10833 of 2020

1. B.Sathish Kumar
2. P.Vinod Kumar
3. P.S.Sivakumar
4. R.Balaji
5. C.Sathiskumar
6. V.Saravanan
7. B.Saravanan
8. C.Jayakar Raja
9. R.Govindarajan
10. k.Baskar

.... Petitioners

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai-600 002.

3. The Manager (Human Resource Development),
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the objections submitted by the petitioners dated 21.02.2020 before finalizing the seniority list/panel in the post of Assistant Engineer for promotion to the post of Assistant Manager and consequently, direct the respondents to prepare the year wise seniority list and panel in the post of Assistant Engineer for promotion to the post of Assistant Manager from the year 2016 onwards by reckoning the

seniority and eligibility of petitioners for the relevant panel year and to grant promotion to the petitioners to the post of Assistant Manager within a time frame to be fixed by this Court.

For Petitioner .. Mr.G.Sankaran
For Respondents.. Mr.Murthy,
Standing counsel

ORDER

This matter is taken up through Web hearing.

2. This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the objections submitted by the petitioners dated 21.02.2020 before finalizing the seniority list/panel in the post of Assistant Engineer for promotion to the post of Assistant Manager and consequently, direct the respondents to prepare the year wise seniority list and panel in the post of Assistant Engineer for promotion to the post of Assistant Manager from the year 2016 onwards by reckoning the seniority and eligibility of petitioners for the relevant panel year and to grant promotion to the petitioners to the post of Assistant Manager within a time frame to be fixed by this Court.

3. When the Writ Petition was filed and a notice was ordered, the contention of the petitioners was that a comprehensive representation was submitted in regard to drawal of seniority, by raising certain objections and a direction is sought to consider the said representation and finalize the seniority list. According to the petitioners, they had submitted their objections on 21.02.2020.

4. When notice was ordered on 07.07.2020, Mr.Murthy, learned Standing counsel took notice on behalf of the respondents and after a couple of adjournments, learned counsel for the respondents submitted that already the seniority list which is the subject matter of controversy in the Writ Petition has been finalized and published also and the Association concerned has been informed of the finalization of the seniority list. The said fact has been stated so in the interim counter filed on behalf of the respondents. According to the counter and the documents filed in support thereof, the objections of the petitioners were received on 24.02.2020 and the Review Committee which has been constituted for consideration of such objections, has confirmed the seniority list that was published earlier, i.e. on 18.02.2020 as final. According to the respondents, finalization of the seniority list was also communicated to the petitioners after consideration of their objections on 27.05.2020 and eventually, final seniority list was published on

the Notice Board on 17.06.2020. Therefore, the learned counsel for the respondents would submit that no direction could be issued in this Writ Petition in view of the above mentioned facts.

5. In view of the above, this Court does not think that the Writ Petition could be ordered and hence the same is dismissed as having become infructuous for the present. In case the petitioners are aggrieved by the publication of the seniority list, it is always open to them to work out their remedy in the manner known to law. No costs. Consequently, connected WMPs are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Suk
To

1. The Principal Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai-600 002.

3. The Manager (Human Resource Development),
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai-600 002.

+1 CC to Govt. Pleader sr 24975.

RVI (CO)
SP(29/09/2020)

W.P.No.8908 of 2020

WEB COPY