

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

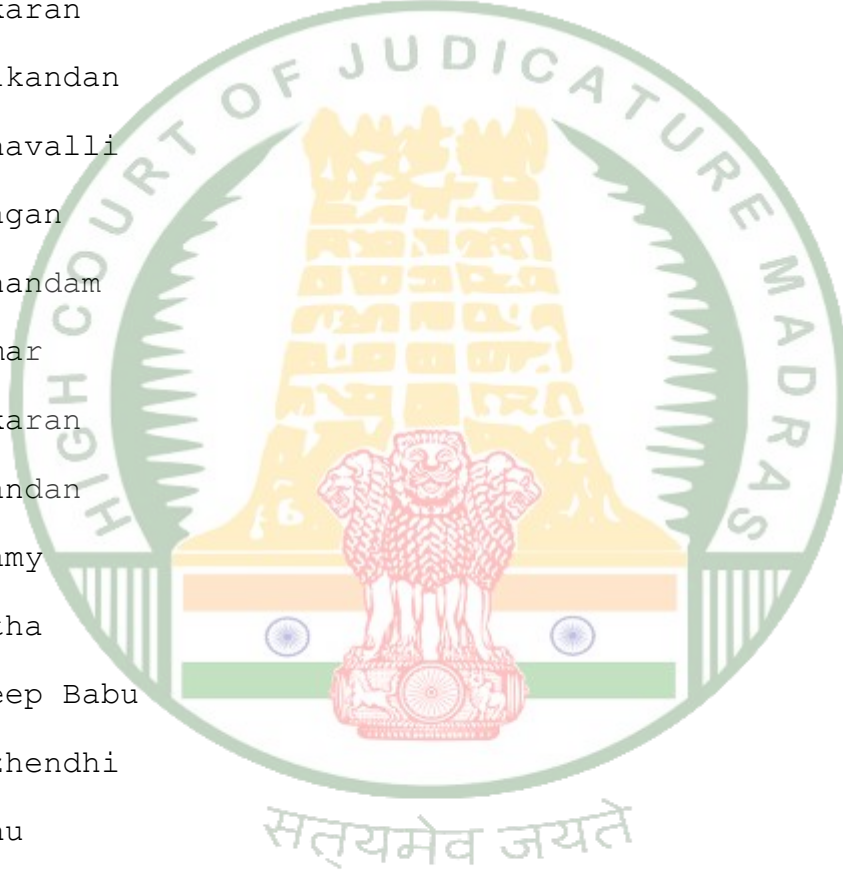
CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.14164 of 2020
and

W.M.P.Nos.17631, 17634 & 17635 of 2020

- 1.R.Dhinakaran
- 2.M.S.Manikandan
- 3.M.Punithavalli
- 4.K.Anbalagan
- 5.G.Jeevanandam
- 6.R.Ramkumar
- 7.R.Dhinakaran
- 8.T.Manikandan
- 9.A.Munusamy
- 10.K.Kavitha
- 11.N.Pradeep Babu
- 12.C.Pugazhendhi
- 13.M.Prabhu
- 14.V.Vijayakumar
- 15.K.Vijayalakshmi
- 16.K.Gouse
- 17.K.Sangavai
- 18.M.Natarajan
- 19.N.Jayanthi



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20.M.Sundari

21.T.S.Subalakshmi

22.M.Ramesh

23.T.Savarimuthu

24.K.Mahalakshmi

25.K.Hariram

26.D.Sridhar

27.R.Megala

28.Umadevi

29.D.Prabhu

.... Petitioners

-Vs-

1. The State,
Rep by its Principle Secretary,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai.

2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai.

3. The District Collector,
Tiruvannamalai.

4. C.Lakshmi

5. C.Jeeva

6. K.Chitra

7. S.Kavitha

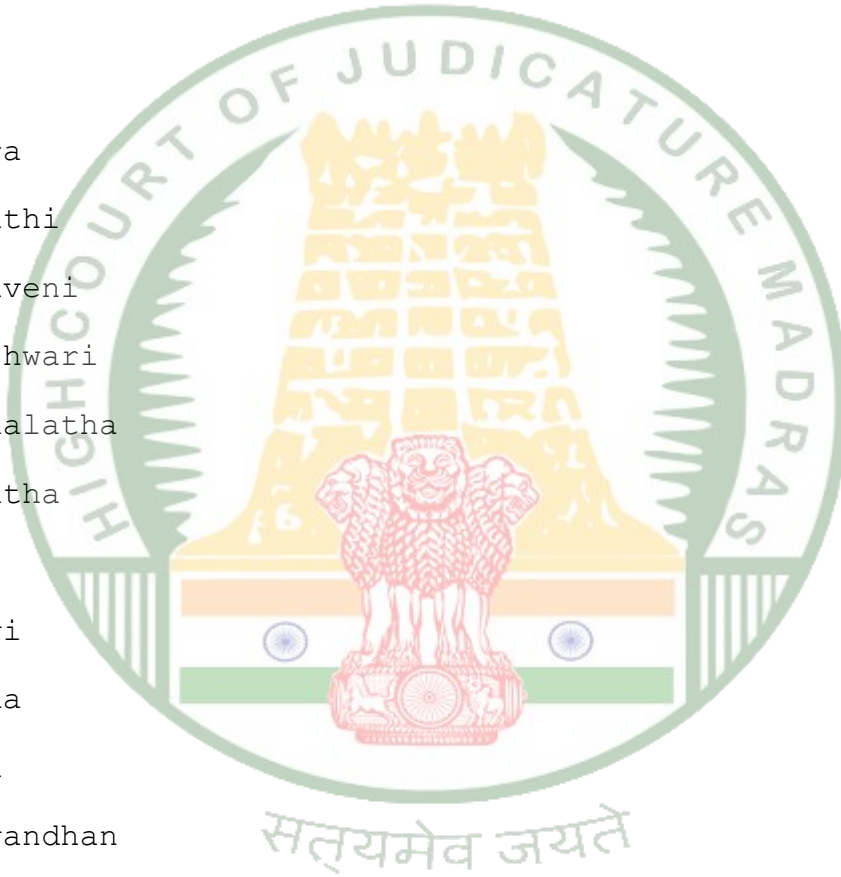
8. R.Indiragandhi

9. V.Jayanthi

10. K.Mahalakshmi

11. P.Kawsan

- 12.M.Saravanan
- 13.G.Parameshwari
- 14.P.Jayalakshmi
- 15.N.Sasikala
- 16.M.Sudha
- 17.S.Vadivel
- 18.M.Rani
- 19.R.Vani
- 20.T.Nethra
- 21.R.Vasanthi
- 22.P.Neelaveni
- 23.M.Rajeshwari
- 24.K.Swarnalatha
- 25.M.Narmatha
- 26.E.Jeya
- 27.P.Vasugi
- 28.C.Geetha
- 29.S.Sudha
- 30.B.Rajagandhan
- 31.M.M.Shanmugam
- 32.B.Radhakrishnan
- 33.P.K.Murugan
- 34.A.Natarajan
- 35.T.Valarmathi
- 36.R.Natesan



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37.S.Rajendiran

38.A.Sankarasanmugam

39.M.Jothilakshmi

40.E.Manibalan

41.A.Veeraragavan

42.B.Balakrishnan

43.E.Parasuraman

44.T.Annamalai

45.S.Selvi

46.K.Subburayan

47.K.Sivanantham

.... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceeding of the third respondent in Na.Ka.7682/2011/Pa.A3-1 dated 05.09.2012 and consequent proceedings in No.Na.Ga.8886/2012/Pa.A2 dated 05.09.2012, 29.10.2012 and 29.11.2012 and quash the same as illegal, arbitrary and contrary to law and consequently direct the respondents to re-draw the panel as on 15.03.2012 for promotion to the post of Assistant as per Personnel and Administrative Reforms (s) Department Lr.No.18824/S/2005-2, dated 07.10.2005, accordingly fix the seniority and give promotion within the time frame stipulated by this Hon'ble Court.

For Petitioners : Mr.P.R.Dhilipkumar

For Respondents : Mr.V.Kathirvel, SGP for R1 to R3

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O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceeding of the third respondent in Na.Ka.7682/2011/Pa.A3-1 dated 05.09.2012 and consequent proceedings in No.Na.Ga.8886/2012/Pa.A2 dated 05.09.2012, 29.10.2012 and 29.11.2012 and quash the same as illegal, arbitrary and contrary

to law and consequently direct the respondents to re-draw the panel as on 15.03.2012, for promotion to the post of Assistant as per Personnel and Administrative Reforms (s) Department Lr.No.18824/S/2005-2, dated 07.10.2005, accordingly fix the seniority and give promotion.

2. These writ petitioners are working as Assistants in the respondent Department and they are direct recruitees appointed on various dates in the year 2012-13 and completed their probation in the year 2014-15 etc. According to them, the post of Assistant in their Department has to be filled up by promotion from among the Junior Assistants, Typists including Steno-typists, apart from other method of direct recruitment.

3. The collective grievance of the petitioners is that the vacancies which were filled up against the direct recruitment method and promotees, were not followed right from the year 2011 and because of that, there was an imbalance in appointment of direct recruitees and promotees which consequentially impacted in the seniority of the petitioners.

4. In the affidavit filed in support of this writ petition, a plethora of facts have been stated as to the vacancy position between the direct recruitees and promotees in 2011-12 and thereafter. These petitioners alleged several violations by the respondent Department in rotating the vacancies. Finally, it appears that the petitioners were aggrieved by the preparation of seniority on 01.01.2013. In fact, in the affidavit filed in support of the writ petition, the petitioners have come up with so many factual details as to the number of vacancies arose during the particular point of time and also the number of vacancies to be earmarked for each method of recruitment in various years etc. All those facts may be relevant, if the grievance of the petitioners had been projected at the appropriate and relevant time and legal remedy sought promptly. But, such grievance cannot be a subject matter of consideration by this Court after a passage of eight years from the date of the original cause of action had arisen.

5. If this writ petition is to be entertained by this Court, it would open pandora's box and the entire exercise of promotion and assignment of seniority would have to be undone at this distance of time. Such scenario is not in the interest of the Administration, as the settled seniority list cannot be unsettled after a long period of time. This well established principle is consistently followed by the Courts in the matter of challenge to seniority lists.

6. In the matters of seniority, any group of employees who appeared to be aggrieved, must workout their remedies at the

earliest point of time and they cannot wait and allow the seniority to settle rightly or wrongly, can seek to unsettle the same at the time of their choice and convenience.

7. In the said circumstances, this Court is of the considered view that the writ petition is hit by several latches and has to be dismissed in limine, as being hopelessly time barred. In fact, no worthwhile averment has been stated in the affidavit as to why these petitioners have suddenly woken up and canvassing the issue in the year 2020, when these petitioners have been in employment in the same department for a period of eight years. In any event, these kind of grievances of the petitioners cannot be addressed at this point of time as any decision in favour of the petitioners herein would send the administration to a tail spin of plunging the department into chaotic state.

8. Therefore, this Court finds that the writ petition cannot be entertained at this distance of time and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principle Secretary,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai.
3. The District Collector,
Tiruvannamalai.

W.P.No.14164 of 2020 and
W.M.P.Nos.17631, 17634 & 17635 of 2020

AJS (CO)
CS/06/11/2020