

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.11185 of 2014

S.Arunachalam

... Petitioner

vs.

The Secretary to Government of Tamil Nadu,
Municipal Administration and

Water Supply Department,
Fort St. George,
Chennai 600 009.

... Respondent

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 promote the Petitioner as Assistant Director of Town Panchayat on par with his junior Mr.R.Jayabal together with consequent revision 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 and on the lines of the directions given by this Court in W.P.No.17829 of 2007, dated 20.06.2011.

For Petitioner : Mr.V.Vijay Shankar

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

According to the Petitioner, he joined the services of the Respondent as Junior Assistant on 07.02.1964 in Annur Town Panchayat, Coimbatore District. He was later promoted as Head Clerk, Executive Officer Grade II, Grade I and was further promoted as Executive Officer Selection Grade and Executive Officer Special Grade and attained superannuation on 31.01.1999.

2. The Directorate of Town Panchayat was constituted vide G.O.Ms.No.828, dated 07.05.1981. Later, Rules were framed for the post of Executive Officer Grade II and I, Selection Grade and Special Grade vide G.O.Ms.No.270, dated 04.04.1990. In terms of these Rules, upto the level of Executive Officer Grade-I, promotions were made on seniority maintained at District level and only from the post of Executive Officer Selection Grade, promotions were given as per seniority at the State level.

3. It is stated by the Petitioner that, on account of the vacancies varying from one District to other, many juniors who joined service later, were able to get promotions in some Districts ahead of their seniors in other Districts. Since this led to patent inequalities between persons working in the same cadre, several Applications came to be filed before the Tamil Nadu Administrative Tribunal, questioning the manner of fixation of District-wise seniority.

4. The Petitioner pointed out that, in the final seniority list of Executive Officer Selection Grade for the year 1996-1997 published on 12.07.2013, he was shown as Sl.No.35, whereas, his admitted junior viz. Jayabal, who entered Ministerial service on 20.10.1972 (i.e. Eight years after him) was shown at Sl.No.78. The grievance of the Petitioner is that, by virtue of inaction on the part of the Respondent to recast the seniority as per the Tribunal's judgment, the said Jayabal was further promoted as Executive Officer Special Grade on 27.10.1991 and as Assistant Director of Town Panchayat on 23.10.1992. While the Petitioner retired as Executive Officer Special Grade on 31.01.1999, the said Jayabal retired as Joint Director of Town Panchayat on 31.08.2007, thereby, the Petitioner's seniority was overlooked. After the final seniority list was published, in respect of his grievance, the Petitioner submitted a representation to the Respondent on 24.09.2013.

5. As no orders were passed on the said representation, the Petitioner has come up with this Writ Petition seeking a direction to promote him as Assistant Director of Town Panchayat on par with his junior, R.Jayabal together with consequent revision 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 and as per the directions given by this Court in W.P.No.17829 of 2007, dated 20.06.2011.

6. Learned counsel for the Petitioner submitted that, the issue in question has been dealt with by this Court in W.P.No.17829 of 2007 by an order dated 20.06.2011 and he prayed that, the Respondent herein may be directed to grant the same relief to the Petitioner herein, within a reasonable time.

7. Learned Special Government Pleader appearing for the Respondents has no serious objection to the submissions of the learned counsel for the Petitioner.

8. In view of the above, without going into the merits of

the case, this Court directs the Respondent herein to consider the Petitioner's representation dated 24.09.2013 on merits and in accordance with law as per the ratio laid down by this Court in W.P.No.17829 of 2007 vide order dated 20.06.2011, and grant him terminal and monetary benefits, if he is otherwise found eligible, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CCC)

/true copy/

Sub Asst. Registrar

(aeb)

To:

The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai 600 009.

+1 cc to the Government Pleader sr35871

W.P.No.11185 of 2014

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