



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.18025 of 2020

WEB COPY

G.Guruviah

... Petitioner

Vs.

The District Collector,
Tenkasi District,
Tenkasi.

... Respondent

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondent to consider and pass order on the petitioner's representation dated 22.10.2020 for re-fixing his seniority with effect from the date of recommendation sent for appointment and thereby to grant all notional service benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For Respondent : Mr.R.Murugaraj
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petition has been filed to direct the respondent to consider and pass order on the petitioner's representation dated 22.10.2020 for re-fixing his seniority with effect from the date of recommendation sent for appointment and thereby to grant all notional service benefits within the time limit that may be stipulated by this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner's father was murdered in a communal clash on 28.01.1998. Thereafter, the petitioner, who is the son of the deceased made an application on 22.07.1998 for compassionate appointment through his mother, as per G.O.Ms.No.896, Labour and Employment Department, dated 09.07.1990. However, the petitioner's request was considered only on 24.04.2012 and appointment order was issued. He would further submit that the petitioner made an application in the year 1998 and the said application seeking for compassionate appointment was disposed of only after expiry of 14 years. If the appointment order was issued immediately in the year 1998 or 1999, the petitioner's seniority would have been different. In this regard, the petitioner made several representations and finally he has given a representation on 22.10.2020 seeking to



refix his seniority. However, the same has not been considered by the respondent till date. Hence, without any other options, the petitioner approached this Court by way of present writ petition for appropriate directions.

4.The learned Government Advocate appearing for the respondents would submit that the appointment order was issued only on 27.04.2012 and with regard to the right of the petitioner to get refixation of seniority is only from the date of his initial recommendation. The appointment of initial recommendation was made on 05.07.2001.

5.In reply, the learned counsel appearing for the petitioner would submit that the initial recommendation was made on 05.07.2001 and the petitioner is ready and willing to to get seniority from 05.07.2001 itself.

6.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondent to dispose of the petitioner's representation dated 22.10.2020 and to refix his seniority within a period of twelve weeks from the date of receipt of a copy of this order on merits and in accordance with law.

7.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

The District Collector,
Tenkasi District,
Tenkasi.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-24588[F] dated 09/12/2020)

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RVN(CO)

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