



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13951 of 2015

and

M.P (MD) .No.2 of 2015

WEB COPY

1.K.Sankar
2.V.Ponnusamy
3.A.Abdulrahman

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Revenue Department,
Secretariat,
Chennai.
- 2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai.
- 3.The District Collector,
Theni District,
Theni.
- 4.The District Revenue Officer,
O/o.The Collectorate,
Theni,
Theni District.
- 5.M.Vinothini,
Assistant,
District Adi-Dravidar and Tribal Welfare Office,
Collectorate,
Theni,Theni District.
- 6.M.Lakshmi,
Assistant,
District Backward Class and Minority Welfare Office,
Collectorate,
Theni,Theni District.
- 7.R.Kannan,
Assistant,
District Adi-Dravidar and Tribal Welfare Office,
Collectorate



Theni.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in Na.Ka.No.A2/830/2015 dated 07.07.2015 and quash the same as illegal.

For Petitioners : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For R1 to R4 : Mr.D.Muruganandam
Additional Government Pleader
For R5 to R7 : Mr.T.Lajapathi Roy
for M/s.Akilandeswari

ORDER

The relief sought for in the present writ petition is with reference to the claim of the petitioner for seniority.

2.The respective learned counsels appearing on behalf of the petitioners as well as the respondents jointly submitted that the issues raised in this writ petition had already been adjudicated by the Hon'ble Division Bench of this Court and the judgment was delivered on 30.08.2019. The operative portion of the judgment is extracted hereunder:

"27.In the result, the Writ Appeal(MD)Nos.836, 892, 974 and 1683 of 2018 and W.P(MD).No.17169 of 2018 are disposed of as follows:

(a)the orders impugned in the writ petitions are set aside and the matter is remitted back to the first respondent Government to make necessary amendments to the relevant rules indicating the date of preparing the seniority list by taking note of the observations and findings rendered supra.

(b)the preparation of seniority list in this case should not go either by calendar year or by fixing 15th March as the crucial dated.

(c)such seniority list is to be prepared by giving a reasonable gap between the date of preparation of such list and date of preparation of panel for promotion.

(d)the inter se seniority of the direct recruit assistants shall be fixed by strictly following the cyclical order referred to under Clause 9 of Annexure IX of the Tamil Nadu Ministerial Service Rules.

(e)the first respondent Government thus shall pass appropriate orders making amendment to the rules as directed supra within a period of two months from the date of receipt of a copy of this order.

(f)on the basis of the orders to be passed by the first respondent Government amending the rules, the



authority concerned shall prepare the subject matter seniority list afresh accordingly within a period of four weeks thereafter.

(g) the seniority list as well as the panel for promotion to the next higher post shall be prepared for every year without accumulating the same for years together. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view of the above judgment of the Hon'ble Division Bench, no further consideration is required and the case of the writ petitioners sought to be considered with reference to the judgment of the Hon'ble Division Bench of this Court cited supra. Accordingly, the writ petitioners are entitled for the relief as such granted by the Division Bench.

4. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary,
Revenue Department, Secretariat, Chennai.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai.

3. The District Collector,
Theni District, Theni.

4. The District Revenue Officer, O/o. The Collectorate,
Theni, Theni District.

+1 CC to M/s.GP (SR-20535[F] dated 19/10/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-20592[F] dated 20/10/2020)

W.P. (MD) No.13951 of 2015

and

M.P (MD) .No.2 of 2015

16.10.2020

CO (AC)

AP (28.10.2020) 3P 7C
<https://hservices.courts.gov.in/hservices>