



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9995 of 2015

A.Shanmugasundaram

... Petitioner

vs.

1)The Regional Manager,
Madurai Region,
Tamilnadu Civil Supplies Corporation,
Kuruvikkaran Salai,
Anna Nagar, Madurai-20.

2)The Managing Director,
Head Office,
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai-600 010.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the proceedings of the 2nd respondent in his proceedings AE2/73931/07 dated 10.04.2008 and quash the same and directing the respondents to fix the petitioner in the seniority list from the date on which the petitioner joined as watchman in the Administrative section of the office of the respondents.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.D.Mayarajan

ORDER

The petitioner is aggrieved against the proceedings of the 2nd respondent dated 10.04.2008 whereby the seniority of the petitioner was fixed at serial No.10 by considering the commencement of service only from 23.01.2008 instead of 31.12.2003 as Watchman.



2.The case of the petitioner is that he was originally appointed as a Technical Assistant at the 1st respondent office on 12.07.1991. Thereafter, through the proceedings of the 1st respondent dated 29.12.2003, the petitioner was posted as Watchman. Even though the petitioner was qualified for a better post, he obeyed the said order and joined duty as Watchman on 31.12.2003. Thereafter, by passing the impugned order, the petitioner has been placed at serial No.10 by showing his redeployment date as 23.01.2008. This action of the 1st respondent affects the petitioner's seniority about more than four years. Hence, he has filed this writ petition to quash the said order of the 2nd respondent. In support of his contention, he would rely on the decision in W.P(MD)No.1157/2010 dated 14.12.2012.

3.No counter affidavit has been filed by the respondents.

4.Heard both sides.

5.Perusal of record shows that when the petitioner was posted as Watchman by order dated 29.12.2003, the respondents cannot pass the impugned order as if he was posted as Watchman in the general side on 23.01.2008 which will affect his seniority and therefore, the respondents are not justified in preparing the list treating the date of joining of the petitioner as 23.01.2008 instead of 31.12.2003 and there is absolutely no convincing reason on the part of the respondents as to the date of joining of the petitioner in the general side. Therefore, in my considered opinion, the impugned order is liable to be set aside as to the date of joining of the petitioner as Watchman on 23.01.2008 instead of 31.12.2003.

6.Accordingly, the impugned order dated 10.04.2008 fixing the seniority of the petitioner at S.No.10 is set aside and the respondents are directed to rework the seniority by taking note that the petitioner was Watchman from 31.12.2003 and accordingly refix the seniority and pass suitable orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1)The Regional Manager,
Madurai Region,
Tamilnadu Civil Supplies Corporation,
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Anna Nagar, Madurai-20.

2)The Managing Director,
Head Office,
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+1 CC to Mr.D.MAYARAJAN, Advocate (SR-214[F] dated 03/01/2020)
+1 CC to Mr.N.TAMILMANI, Advocate (SR-175[F] dated 03/01/2020)

W.P(MD)No.9995 of 2015
03.01.2020
(9/12)

MK (24.01.2020) 3P 5C