

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.579 of 2021
(Heard through VC)

Maria Esther

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by the Secretary,
Social Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner,
Social Defence Department,
No.300, Purasawalkam High Road,
Kelley's, Chennai - 600 010.

3.Mr.P.Selvaraj,
Assistant Director,
O/o.Commissioner of Social Defence Department,
No.300, Purasawalkam High Road,
Kelley's, Chennai - 600 010.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders on the appeal memorandum dated 10.12.2020 seeking restoration of seniority on merits and as per law and within the time.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.A.Aruldoss
Government Advocate

O R D E R

The writ petition has been filed for issuance of writ mandamus directing the first respondent to pass orders on the appeal memorandum dated 10.12.2020 seeking restoration of seniority on merits and as per law.

2. Mr.A.Aruldoss, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as Scavenger on 13.06.1997 and after subsequent promotions, now she is working as Assistant. The second respondent vide proceedings dated 15.09.2020 drawn a provisional seniority list in which juniors, who are ineligible and unqualified were included, omitting the petitioner's name. The case of the petitioner is that the third respondent has chosen the persons of his choice by placing them in the seniority in a whimsical manner. The petitioner has sent a representation dated 18.11.2020 to the second respondent pointing out the said act of the third respondent. Despite receipt of the said representation, by proceeding dated 24.11.2020 promotions came to be ordered to the juniors to the post of Manager thereby denying and depriving the legitimate right of the petitioner. Hence, the petitioner has preferred an appeal memorandum dated 10.12.2020 before the first respondent and the same is yet to be considered. Since there was no progress, the present writ petition has been filed.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's appeal memorandum is already pending with the first respondent, this Court directs the first respondent herein to dispose of the petitioner's appeal memorandum dated 10.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner as well as the third respondent herein and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

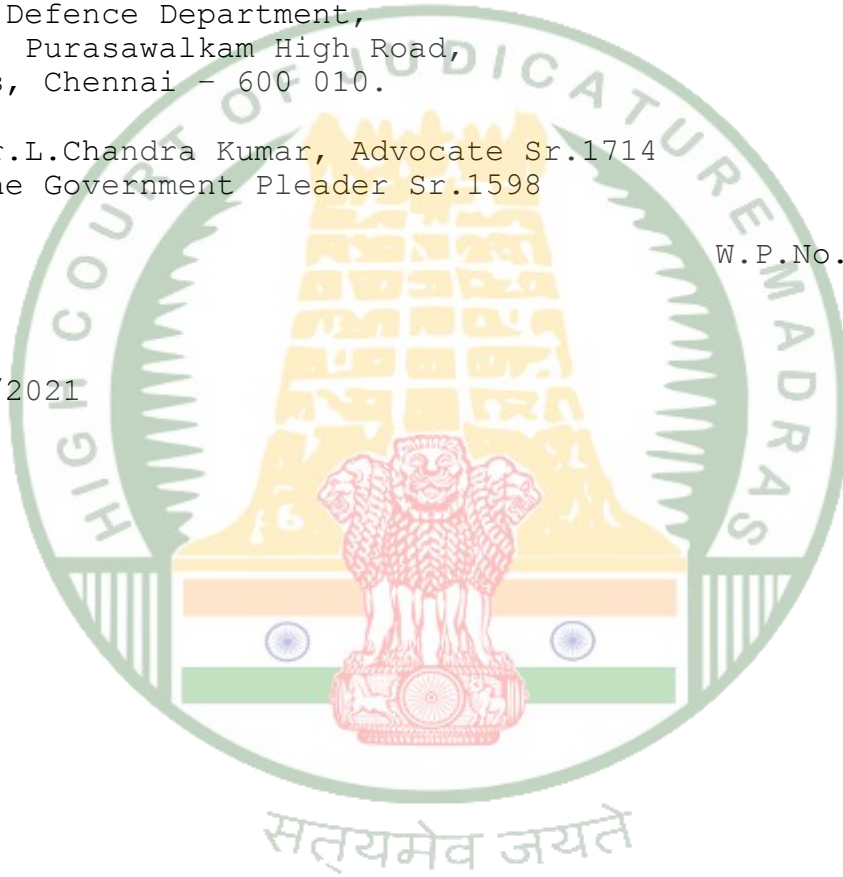
1.The Secretary,
State of Tamil Nadu,
Social Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner,
Social Defence Department,
No.300, Purasawalkam High Road,
Kelley's, Chennai - 600 010.

+lcc to Mr.L.Chandra Kumar, Advocate Sr.1714
+lcc to the Government Pleader Sr.1598

W.P.No.579 of 2021

gmr[col]
srg 18/02/2021



WEB COPY