



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1113 of 2021

M.Raju

... Appellant/Petitioner

Vs.

The District Treasury Officer,
Ramanathapuram District,
Ramanathapuram.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.10225 of 2009, dated 25.06.2019.

Prayer in WP(MD). 10225 of 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records issued by the respondent in his proceedings No.Mu.Mu.2268/09/A1 dated 28-08-2009 and quash the same and direct the respondent to draw the seniority list for the year 1997 (i.e.) as on 15-03-1997 and grant promotion to the petitioner based on the seniority list of Accountant / Assistant drawn as on 15-03-1997 and grant all other attendant benefits and arrears of pay and allowances.

For Appellant : Mr.T.Lajapathi Roy

For Repondent : Mr.A.K.Manickam,
Government Counsel

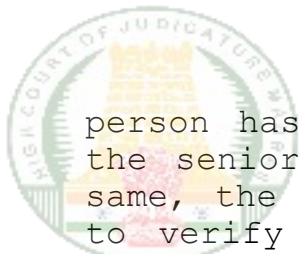
J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.A.K.Manickam, learned Government Counsel appearing for the respondent.

2. This appeal filed by the writ petitioner is directed against the order dated 25.06.2019, passed in W.P(MD).No.10225 of 2009.

3. The learned Single Bench took note of the fact that the appellant was not able to establish that any violation has been committed in the seniority list during the year 1997 and that any



person has been promoted over and above the appellant overlooking the seniority. Though the appellant was not able to establish the same, the learned Writ Court issued a direction to the authorities to verify the service particulars and if there is any incorrect information provided, which has to be verified by the authorities and suitable action to be taken. After the direction was issued, the appellant rightly submitted a representation which appears to have been rejected.

4. The learned Government Counsel appearing for the respondent submitted that no person junior to the appellant-writ petitioner has been promoted overlooking his seniority.

5. In any event, since the respondent has passed a fresh order, it is always open to the appellant to work out his remedy by questioning the correctness of the said order. Thus, while preserving such liberty, this writ appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Treasury Officer,
Ramanathapuram District,
Ramanathapuram.

+2 CC to M/s.T.LAJAPATHIROY, Advocate (SR-19578 & 19502[F])
+1 CC to M/s.SPL GP (SR-19671[F])

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16.06.2021

vr(CO)

TR(23.06.2021) 2P 5C