



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8834 of 2021

Marimuthu Pandian

... Petitioner

vs.

The Commissioner/Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet,
Chennai - 15.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 02.03.2021 seeking to re-fix his seniority.

For Petitioner : Mr.M.E.Ilango

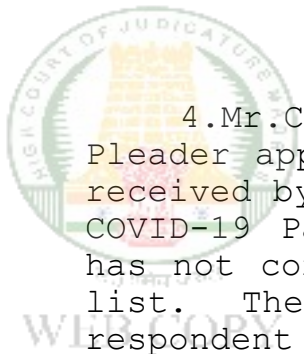
For Respondent : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of petitioner, dated 02.03.2021, seeking to re-fix his seniority.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondent.

3.According to the petitioner, he was appointed as Assistant on 17.12.2012 by direct recruitment. While so, the District Collector, Virudhunagar prepared seniority list by proceedings, dated 09.06.2020, and objections were called for from the aggrieved persons. The petitioner submitted his objection dated 23.07.2020, to the District Collector, Virudhunagar and made various averments in the affidavit that his juniors were placed above the petitioner and they were promoted.



4.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondent submitted that objections were received by the District Collector, Virudhunagar, and due to present COVID-19 Pandemic situation, the District Collector, Virudhunagar, has not considered the same so far and not finalised the seniority list. The learned Additional Government Pleader appearing for the respondent further submitted that after considering the objections filed, the District Collector, Virudhunagar, will finalise the seniority list and publish the same.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

6.From the averments made in the affidavit filed in support of the Writ Petition, it is seen that the District Collector, Virudhunagar, has prepared seniority list of Assistants and called for objections, if any. According to the petitioner, he has given objection to the District Collector, Virudhunagar, on 23.07.2020. According to the learned Additional Government Pleader, objections received by the District Collector was not considered and seniority list is not finalised due to present covid-19 (pandemic) situation. After considering the objections, seniority list will be finalised by the District Collector.

7.Both the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent submitted that the District Collector, Virudhunagar, has prepared the seniority list and he is the authority to finalise the seniority list. In view of the same, the petitioner is not entitled to the relief sought for in present Writ Petition, seeking a direction to the respondent herein to consider his representation, dated 02.03.2021 and re-fix his seniority, as he has given the representation to the respondent, who is not the competent authority for re-fixing the seniority. Therefore, this Writ Petition fails and the same is liable to be dismissed. Accordingly, it is dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2021
Sub Assistant Registrar

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 Commissioner/Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet,
Chennai - 15.

+1 cc to Special Government Pleader, SR.No. 18297

**W.P (MD) No.8834 of 2021
29.04.2021**

PS

JM/04.06.2021/3P/3C