



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.16764 of 2020

and

W.M.P(MD)Nos.13996, 13997 & 13999 of 2020

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S.Lenin

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.
- 2.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.
- 3.The Commissioner of Municipal Administration,
O/o.The Commissioner of Municipal Administration,
Chennai - 5.
- 4.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

5.A.Ramasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent vide impugned proceedings in Na.Ka.No.C1/306/2020, dated 15.10.2020 and the consequential impugned seniority list published by the fourth respondent vide impugned proceedings in Na.Ka.No.C1/306/2020, dated Nil 10.2020 in so far as it relates to the seniority of the petitioner in Serial No.2 is concerned and quash the same as illegal and consequently to direct the fourth respondent to revise the seniority of the petitioner by placing him in Serial No.1.

For Petitioner: Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For RR 1 to 3 : Mr.P.Subbaraj
Government Advocate



For R - 4

: Mr.Aayiram K.Selvakumar

For R - 5

: Mr.M.Munnamalai

ORDER

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The petitioner has filed the present Writ Petition, to quash the impugned order passed by the fourth respondent, dated 15.10.2020 and the consequential impugned seniority list published by the fourth respondent, dated Nil 10.2020, in so far as it relates to the seniority of the petitioner in Serial No.2 is concerned and to direct the fourth respondent to revise the seniority of the petitioner by placing him in Serial No.1.

2.Mr.A.Ajmal Khan, learned Senior Counsel appearing for the petitioner submitted that the petitioner has given objection to the tentative list and without considering the same, the impugned seniority list was published. The petitioner will be satisfied if a direction is issued to the fourth respondent to consider his objection, dated 22.05.2020, after giving an opportunity of hearing to the petitioner and also the fifth respondent.

3.When the matter is taken up for hearing today, the learned counsel appearing for the fourth respondent submitted that the petitioner's representation will be considered, after hearing the petitioner, the fifth respondent and other similarly placed persons and appropriate orders will be passed within a time frame to be fixed by this Court.

4.Recording the above submissions, without deciding the issue on merits, the fourth respondent is directed to consider the objection given by the petitioner, dated 22.05.2020, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the fifth respondent and other similarly placed persons, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

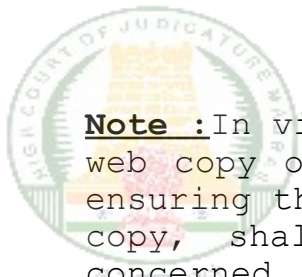
Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

ps



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.

WEB COPY

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.
- 2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.
- 3.The Commissioner of Municipal Administration,
O/o.The Commissioner of Municipal Administration,
Chennai - 5.
- 4.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-22078[F] dated 12/07/2021,SR-22287[F] dated 13/07/2021)

W.P (MD) No.16764 of 2020
09.07.2021

RD(26.07.2021) 3P 6C