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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.19367 OF 2010

AND

M.P.NO.2 OF 2010

R.Sivanandam

...Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Civil Supplies Corporation,
Thambusamy Street, Kilpauk,
Chennai - 10.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Collectorate Complex, Nagapattinam.

3.P.Ravichandran,
Assistant,
Tamil Nadu Civil Supplies Corporation,
Nagapattinam.

4.S.Pandian

5.R.Shanmugam

6.N.Sekar

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.E-2/1039/09, dated 28.04.2009 and quash the same and consequently direct the respondents 1 and 2 to fix the seniority of the petitioner in the post of Assistant in 2nd respondent Corporation.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Selvaraj [for R.1 & R.2]
R.3 - Died
No Appearance - for R.4 to R.6



ORDER

This writ petition is filed by the petitioner who was working as Assistant in the respondent/Corporation, who is since retired, challenging the impugned order dated 28.04.2009 whereby the request of the petitioner to place him above the respondents 3 to 6, was turned down.

2. The essence of the contention of the petitioner is that the petitioner is senior to the respondents 3 to 6. However, the respondents 3 to 6 made a representation for grant of promotion and this Court upon their approaching, had merely directed to consider their representation in W.P.No.12034 of 2009 and while so considering, without even considering the seniority, the petitioner is overlooked and they were given seniority over and above the petitioner.

3. The respondents have filed a counter affidavit in which it is their categorical stand that the petitioner was appointed as Packer in Tuticorin Region on 01.06.1990 and subsequently was promoted as Bill Clerk on 24.09.1990 in the same Region. Thereafter, on his request, he was granted transfer to the composite Region of Thanjavur with effect from 11.04.1992 as Bill Clerk. As per the rules of seniority prevalent in the respondent/Corporation, seniority is maintained region-wise, if any person seeks transfer on voluntary basis from one region to another, he will be placed as Junior most. As such, the petitioner who was transferred in the cadre of Bill Clerk as on 11.04.1992 was placed as junior most.

4. The respondents have made a categorical averment in paragraph 8 of the counter affidavit by stating that the respondents 3 to 6 were working in Nagapattinam Region which was part of the erst-while composite Thanjavur Region as Bill Clerk and Junior Assistant as on 11.04.1992, the date on which the petitioner was transferred as Bill clerk and therefore, the petitioner was placed as Junior to the said respondents and the passing of order by this Court in the earlier writ petition or otherwise, has got nothing to do with their seniority over the petitioner.

5. In view of the said stand of the respondents remaining unchallenged by way of filing reply affidavit, the facts are taken as such and therefore, the contention of the petitioner that he is senior to the respondents 3 to 6, cannot be countenanced and the argument of the learned counsel for the petitioner in this regard, is without any merits.



6. Accordingly, the Writ Petition fails and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

mrm

To

1. The Chairman cum Managing Director,
Tamil Nadu Civil Supplies Corporation,
Thambusamy Street, Kilpauk,
Chennai - 10.
2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Collectorate Complex, Nagapattinam.
3. P. Ravichandran,
Assistant,
Tamil Nadu Civil Supplies Corporation,
Nagapattinam.

W.P.No.19367 of 2010

NR(CO)
RVM(30/05/2022)