

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.6.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.19098 of 2020
and W.M.P.No.23671 of 2020

1 S.Lakshmanan ...Petitioner

Vs.

1 The Director of Town Panchayats,
Chennai 600 028

2 The Assistant Director of Town Panchayats,
Tirunelveli Zone, Tirunelveli.

3 The District Collector,
Tirunelveli

4 T.Kannan ...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, call for the records relating to the impugned order of the first respondent in Na.Ka.No. 8353/2020/A1 dated 9-11-2020 and quash the same in so far as the non-inclusion of the Petitioners name is concerned and direct the first respondent to include the Petitioners name above the fourth respondent and promote him as Head Clerk/Assistant with effect from the date of promotion of the fourth respondent and grant him all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents 1 to 3 : Mr.T.Chezhiyan, A.G.P.

O R D E R

The petitioner is working as Junior Assistant at the Special Grade Town Panchayat in Tirunelveli District in the respondent department. He was working as Typist in Tirunelveli Zone from 31.7.2012 to 22.4.2013 in Coutralam Town Panchayat and thereafter, he opted for conversion to the post of Junior Assistant on 22.4.2013. Though he had successfully completed Bavanisagar training during the period from 2.2.2015 to 16.3.2015 and his name was included in the seniority list, his seniority Number was shown as 213 and the

fourth respondent's seniority Number is 214, in the impugned order dated 9.11.2020 promoting 63 Junior Assistants/Typists/Bill Collectors, Assistants/ Head Clerks, the petitioner's name was not included in the said order, whereas his junior, fourth respondent's name has been included at Sl.No.39 and he was promoted as Head Clerk. Aggrieved by the same, the petitioner has filed the instant writ petition before this Court.

2. The learned counsel appearing for the petitioner has relied upon the averments made in the counter affidavit filed by the respondent wherein it is stated that the first respondent identified 63 eligible candidates and promoted them as Head Clerk/Assistant vide its proceedings in Na.Ka.N.8353/2020/A1, dated 9.11.2020. The name of the petitioner could not find place in the above selection lists, as his appointment as Junior Assistant from the post of Typist was not yet ratified by the Government and the proposal is under process. The name of the petitioner will be considered for promotion on par with others and without affecting his seniority, once his appointment as Junior Assistant is ratified by the Government.

3. Recording the statement made by the second respondent in the counter affidavit at paragraph 10, the writ petition stands disposed of. No Costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vaan

To

1.The Director of Town Panchayats, Chennai 600 028

2.The Assistant Director of Town Panchayats,
Tirunelveli Zone, Tirunelveli.

3.The District Collector, Tirunelveli.

+lcc to Government Pleader SR. No. 42572

+lcc to Mr.P.Rajendran, Advocate SR. No. 41756

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RLD (CO)

PR (18/07/2022)