



W.P.No.28991 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28991 of 2022

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K.Ramakrishnan

.. Petitioner

Vs.

1. The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

2. The Commissioner,
Department of Economics and Statistics,
No.259, Block-2, D.M.S.Complex,
Teynampet, Chennai-600 006.

3. M.Susila

4. K.Kumaresan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to consider representation dated 23.03.2022 relating to revision of seniority list for the directly recruited post of Assistant Director of Statistics for the year 1993-94 and consequently pass orders to refix the seniority as per the merit list and as per the judgment dated 01.10.2021 rendered by the Honourable Supreme Court of India in Contempt Petition (Civil) No.638 of 2017 between V.Senthur and others Vs. M.Vijayakumar and others.

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For petitioner : Mr.P.K.Panneer Selvam

For respondent: Mr.I.Abrar Mohammed Abdullah for R-1

Mr.V.Ravi, Spl.G.P. for R-2

Mr.A.Jayachandran for R-3

M/s.Pass Associates for R-4

ORDER

This Writ Petition has been filed for a Mandamus to direct the first respondent to pass final orders on the petitioners representation, dated 23.03.2022 seeking for revision of seniority list for the directly recruited post of Assistant Director of Statistics for the year 1993-94 and consequently to pass orders to re-fix the seniority as per the merit list and as per the judgment dated 01.10.2021 of the Honourable Supreme Court of India in Contempt Petition (Civil) No.638 of 2017 between *V.Senthur and others Vs. M.Vijayakumar and others*.

2. Learned counsel for the petitioner submitted that even though a positive direction has been sought for by the petitioner, the petitioner will be satisfied if the representation seeking for revision of seniority list is considered on merits and in accordance with law within a time frame to be fixed by this Court.

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3. Learned counsel for the respondents 3 and 4 submitted that the petitioner seeks for revision of seniority list which was fixed in the year 1993-94 and since the respondents 3 and 4 have retired from service, the question of revising the seniority list will not arise at this stage. However, the learned counsel for the petitioner submitted that since he is not seeking for positive direction, no prejudice would be caused to any other party if the representation of the petitioner, dated 23.03.2022 is considered on merits and in accordance with law. The petitioner has also filed documents along with this Writ Petition in support of his claim that he is entitled for revision of seniority list for the year 1993-94 and he has also relied on the judgment of the Honourable Supreme Court of India in Contempt Petition (Civil) No.638 of 2017 between *V.Senthur and others Vs. M.Vijayakumar and others*, reported in MANU/SC/0759/2021 in support of his case.

4. No prejudice would be caused to the respondents if the said representation of the petitioner, dated 23.03.2022 seeking for revision of seniority list, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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5. For the above reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the said representation of the petitioner, dated 23.03.2022, after giving due consideration to the fact that the respondents 3 and 4 have already retired from service and the petitioner's request is for revision of seniority list, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

18.11.2022

Speaking Order: Yes/no

CS

To

1. The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.
2. The Commissioner,
Department of Economics and Statistics,
No.259, Block-2, D.M.S.Complex,
Teynampet, Chennai-600 006.

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