



W.P.(MD)No.3780 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3780 of 2020

T.Kamaraj,
Grade – II Librarian,
Thiruvaiyaru Branch Library,
Thanjavur District.

... Petitioner

Vs.

1.The Director of Public Libraries,
Directorate of Public Libraries,
No.737/1, Annasalai, Chennai – 2.

2.The District Library Officer,
Local Library Authority,
Thanjavur District Library, Thanjvur.

3.Mr.M.P.Karl Marx,
Inspector of Library,
District Central Library,
Thanjavur.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent in Na.Ka.No. 4745/A3/2019, dated 22.10.2019 and quash the same as illegal and



W.P.(MD)No.3780 of 2020

consequently directing the first and second respondents to grant promotion to the petitioner, who is a senior as he was already appointed as Grade-III Librarian on 04.08.1997 under the second respondent whereas the third respondent joined as a Junior on 01.10.1997 under the District Seniority as Grade-III Librarian whereas he is now manning a senior rank of Grade-I/Inspector of Library posts.

For Petitioner : Mr.M.Kannan
For R-1 & R-2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
R-3 (notice dispensed with)

ORDER

This writ petition has been filed by the petitioner challenging the impugned order of the first respondent in Na.Ka.No.4745/A3/2019, dated 22.10.2019 and to direct the first and second respondents to grant promotion to the petitioner.

2. Since no adverse order is passed, notice to the third respondent is dispensed with.



W.P.(MD)No.3780 of 2020

WEB COPY

3. The case of the petitioner is that initially he was appointed as Grade-III Librarian in Thiruppuvanam Branch Library under the Thanjavur Local Library Authority on 04.08.1997 and the third respondent took charge under the second respondent Thanjavur District Library Authority on 01.10.1997 on being transferred from Nagapattinam District Local Library Authority. Even as on 04.08.1997, ie., as on the date of appointment, the petitioner acquired B.Com., and B.Lis., degrees and in the District Seniority or based on the educational qualifications, the third respondent was junior to the petitioner. However, the third respondent was promoted as Grade-II Librarian on 05.06.2002 and subsequently, promoted as Grade – I Librarian on 07.07.2004, whereas the petitioner is still working as Grade-I Librarian in gross violation of relevant Rules. Hence, the petitioner has made a representation to the respondents to give him promotion. Since no order was passed, the petitioner filed a writ petition in W.P(MD)No.4811 of 2019 wherein this Court vide order, dated 01.03.2019, directed the respondents 1 and 2 to consider the petitioner's representation, dated 22.02.2018, on merits and in accordance with law. Pursuant to which, the first respondent



W.P.(MD)No.3780 of 2020

passed the impugned order, dated 22.10.2019, rejecting the request of the petitioner. Challenging the same, the petitioner has filed the present writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioner would submit that the petitioner entered into service as Grade-III Librarian on 04.08.1997 and thereafter, he was promoted as Grade-II Librarian on 04.02.2017. Prior to that, Thanjavur District was bifurcated into Thanajvur and Nagapttinam Districts on 10.10.1996 and the third respondent has opted for Nagapattinam District and thereafter, on his request, he came to Thanjavur District by way of transfer. The learned counsel would further submit that once a person moves from one local library authority to other local library authority on willingness, the said person must be placed as junior most person in the other local library authority. In the present case, the third respondent on his willingness, transferred to Thanjavur District and therefore, he should be placed below the petitioner. However, subsequent to transfer, the third respondent was placed above the petitioner in the seniority list and he



W.P.(MD)No.3780 of 2020

WEB COPY

was given promotion, but the petitioner was denied promotion.

According to the learned counsel, the petitioner is entitled to be stepped up and give promotion on par with the third respondent. However, the request of the petitioner was rejected by the first respondent vide the impugned order, which is not sustainable one and therefore, prayed for allowing of this writ petition.

5. Per contra, the learned Additional Government Pleader, would submit that the petitioner was appointed only as Librarian Grade – III on 04.08.1997, whereas the third respondent was entered into service as Record Clerk as early as on 15.07.1992 and therefore, as per the Rules only, his seniority was fixed and hence, the first respondent has rightly rejected the request of the petitioner vide the impugned order, which is perfectly in order and the same need not be interfered with by this Court.

6. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials produced before this Court.



W.P.(MD)No.3780 of 2020

WEB COPY

7. Admittedly, the petitioner was appointed only as Librarian Grade – III on 04.08.1997 and he was promoted as Grade – II Librarian on 04.02.2017 and he did not reach the seniority to promote as Grade-I Librarian till 2020, whereas the third respondent entered into service as Record Clerk on 15.07.1992 and promoted as Grade – III Librarian on 05.04.1995 and again, he was promoted as Grade – II Librarian on 05.06.2002 and thereafter, promoted as Grade – I Librarian on 07.07.2004.

8. Admittedly, the bifurcation of the Thanjavur District into Thanjavur District and Nagapattinam District, was made in the year 1996 and at the time of bifurcation, willingness was called for from the employees who were working in the Thanjavur District and the third respondent opted for Nagapattinam District and subsequently, based on his request, he was again transferred to Thanjavur District and his seniority was fixed by the first respondent on 11.02.1998. Subsequently, he was promoted in the year 2002 as Grade – II Librarian, whereas the petitioner was promoted as Grade-II Librarian only on 04.02.2017.



W.P.(MD)No.3780 of 2020

WEB COPY

However, the petitioner did not challenge the fixation of seniority of the third respondent, dated 11.02.1998, fixed by the first respondent. Instead of challenging the seniority fixed, the petitioner made a representation before the respondents to fix the seniority and to give promotion on par with the third respondent, which is not sustainable one. Hence, the order impugned in the writ petition cannot be interfered with.

9. In the result, this writ petition is dismissed. No Costs.

08.12.2022

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Index: Yes/No

To

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W.P.(MD)No.3780 of 2020

M.DHANDAPANI,J.

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W.P.(MD)No.3780 of 2020

08.12.2022