



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11316 of 2019

and

WMP (MD) No.8636 of 2019

WEB COPY

S.Vijayaragavan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

4.N.Shanthi
C.1 Assistant,
Dindigul City Municipal Corporation,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings in Na.Ka.No.1830/2014/C.1, dated 18.03.2019 and quash the same and consequently direct the 3rd respondent herein to re-fix the seniority list by fixing the petitioner's name above to the 4th respondent herein.

For Petitioner :Mr.K.Hemakarthikeyan

For R1 & R2 :Mr.N.Satheesh Kumar
Addl. Govt. Pleader

For R3 :Mr.J.Lawrance

For R4 :Mr.J.Anandkumar

O R D E R

The Notice dated 18.03.2019 providing an opportunity to the employees to submit their objections against the provisional seniority is under challenge in the present writ petition.

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2. The petitioner was appointed as Junior Assistant in Manaparai Municipality, on 10.05.1995 and thereafter, promoted as Assistant and presently working as Assistant Revenue Officer (i/c). The respondent Municipality issued the order impugned dated 18.03.2019, publishing a temporary seniority list subject to condition and further provided an opportunity to all the employees to submit their objections, if any, within a period of seven days. Instead of submitting the objections, the petitioner has challenged the temporary seniority list.

3. When the authority themselves has taken an initiative for fixation of seniority and published a temporary seniority list and thereafter, provided an opportunity to the employees to submit their objections, the petitioner has chosen to file the writ petition.

4. This Court is of an opinion that against such temporary seniority list, no Writ needs to be entertained in a routine manner. The petitioner gets an opportunity to submit his objections and the authorities can very well consider the objections, if any and take a final decision and publish the final seniority list. Only if a final seniority list is issued, and if at all the petitioner is aggrieved, then alone he can approach the competent appellate authority and thereafter, Court of Law, in the manner known to law.

5. In the present case, the petitioner has challenged the temporary seniority list on various grounds. All such grounds can be placed before the respondents by way of an objection for consideration. This being the principles to be followed, the petitioner is at liberty to submit his objections in respect of the temporary seniority list, dated 18.03.2019 and in the event of receiving any such objections, the respondents shall consider the said objections and take a final decision for the purpose of publishing the final seniority lists. It is needless to state that the objections submitted by other employees are also to be considered for the purpose of finalizing the seniority list by following the procedures.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar (CS)

MPK

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-7637[F] dated 22/02/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-7345[F] dated 21/02/2022)

+1 CC to M/s.SPL GP (SR-7411[F] dated 21/02/2022)

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MGJ(28.02.2022) 3P 7C