



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2022

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.9917 of 2018

V.Selvaraj

...Petitioner

/Vs./

1.The Principal Secretary to Government,
Tourism, Culture and Religious Endowments (T2) Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Tourism,
Department of Tourism,
Tamil Nadu Tourism Complex,
Walajah Road, Chennai - 600 002.

3.The Tourist Officer,
Tourist Office,
Government of Tamil Nadu,
Williams Road, Contonement,
Trichy - 620 001.

4.The Accountant General,
A.G.'s Office Complex,
361, Anna Salai,
Teynampet,
Chennai - 600 018.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.1 and 2 to promote the petitioner with notional effect from panel year 2014-15 or at subsequent period, with consequential benefits, within the time stipulated by this Court.

For Petitioner	: Mr.Karthik
	for Mr.T.Lajapathi Roy
For R1 to R3	: Mr.K.S.Selvaganesan
	Additional Government Pleader
For R4	: Mr.P.Gunasekaran

ORDER

Heard Mr.Karthick, learned counsel appearing for the petitioner, Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for R1 to R3 and Mr.P.Gunasekaran, learned counsel for R4.



2.The petitioner seeks a mandamus, directing R1 & R2 to promote the petitioner with notional effect from panel year 2014-15 or any other subsequent period, as may be appropriate, with all consequential benefits. The petitioner has filed a representation seeking the same relief, which is dated 13.11.2017.

3.A query was put to the learned counsel as to the maintainability of the writ petition, seeing as the representation was filed 1 ½ years after the date of superannuation of the petitioner, which is 31.05.2016.

4.My attention is drawn to a letter bearing No.820/HRD-1/2016 dated 31.05.2016. which is the same date as the date of superannuation of the petitioner, wherein the petitioner's seniority figures at Serial No.7 of the tabulation.

5.Candidates at Serial Nos.1 to 4 are seen not to have qualified for the seniority and thus, effectively, the petitioner stands at Serial No.3. Whether this seniority would entitle him to the benefits sought is a question of fact that the respondents must decide.

6.In any event, *prima facie* there does not appear to be any hurdle caused by virtue of the representation having been filed post superannuation, since the aforesaid communication reveals that the fixation of seniority has transpired when the petitioner was in service, albeit on the last date.

7.Let a speaking order be passed after hearing the petitioner on the relief sought for by him in his representation by R1, within a period of six weeks from the date of uploading of this order on the official website of this Court.

8.This Writ Petition is disposed in the aforesaid terms. No costs.

Sd/-

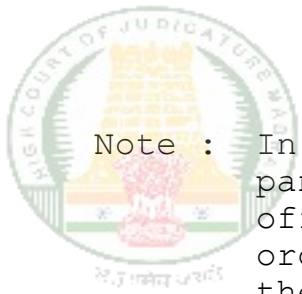
Assistant Registrar(CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary to Government,
Tourism, Culture and Religious Endowments (T2) Department,
Secretariat, Chennai - 600 009.
 - 2.The Commissioner of Tourism,
Department of Tourism,
Tamil Nadu Tourism Complex,
Walajah Road,
Chennai - 600 002.
 - 3.The Tourist Officer,
Tourist Office,
Government of Tamil Nadu,
Williams Road, Contonement,
Trichy - 620 001.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-1111[F] dated 11/01/2022)
- +1 CC to M/s.SPL GP (SR-1274[F] dated 11/01/2022)

Order made in
W.P. (MD) No. 9917 of 2018
Dated: 10.01.2022

SK(CO)
TR(04.02.2022) 3P 7C