



WP(MD)No.17516 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.17516 of 2014

V.Ramalingam

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
School Education,
(K1 Department),
Fort St.George,
Chennai-02.

2.The Director of Public Libraries,
Government of Tamil Nadu,
Office of Director of Public Libraries,
Anna Salai,
Chennai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.14283/A1/2019 dated 30.05.2014 and quash the same and consequently direct the respondents to give suitable promotion with monetary benefits and all attendant benefits.



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For Petitioner : Mr.K.K.Ramakrishnan
For Respondents : Mr.V.O.M.Prakash
Government Advocate

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the respondents in Na.Ka.No.14283/A1/2019, dated 30.05.2014 and quash the same and direct the respondents to give suitable promotion with monetary benefits and all attendant benefits.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed on 03.10.1955 as Teacher and Librarian of N.Kurumbapatti Primary School. He has completed the Diploma in Library Science Course on 27.04.1958. Therefore, his service has to be taken into consideration from the date of completion of the Diploma in Library Science on 27.04.1958 and he be given promotion to the post of Grade-I Librarian from 1958. In this regard, he has filed a writ petition in W.P(MD).No.352 of 2014 and it was ordered on 08.01.2014 by observing that “*in view of the above submission made by the learned counsel for the petitioner, a direction is issued to respondent*”



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No.2 to pass appropriate orders on the representation dated 11.01.2011 made by the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order". Subsequently, the impugned order was passed rejecting his claim on the ground that his services rendered in the other Departments cannot be considered for the purpose of seniority and his service from the date of his appointment as Grade-III Librarian (i.e.,) 02.04.1964 under the second respondent was considered for the purpose of seniority and other benefits. The impugned order is not correct and illegal for the reason that his service from 03.10.1955 to 28.02.1962 was recognized as Teacher and Librarian by the District Library Officer, Dindigul, which reveals that there is a merit in the claim of the petitioner.

3. Per contra, the learned counsel appearing for the respondents submitted that the petitioner was appointed as Assistant Librarian through Employment Exchange by the Local Library Authority, Madurai on 02.04.1964. The petitioner's activities, after completing the above Course, were not related to the Local Library Authority of Madurai before his appointment as Assistant Librarian on 02.04.1964. There is an Act which is called as Madras Public Libraries Act,



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1948 and there are Rules framed in the year 1950. From the year 1955, separate Rules have been framed for Library Authority and the Libraries are functioning as per the separate Rules. Therefore, his service can be counted under the second respondent only from the date of his appointment in the Library Department on 02.04.1964. One G.Soundararajan, who is a senior to the petitioner, was promoted as Librarian Grade-II only in the year 1996. Therefore, the claim of the petitioner that his service has to be taken into consideration from the date of completion of Diploma in Library Science Course (i.e.,) 27.04.1958, cannot be considered.

4. This Court considered the rival submissions made on both sides and perused the materials available on record.

5. From the facts as narrated above, it is seen that the petitioner was earlier serving as Teacher and Librarian at N.Kurumbapatti Primary School from 03.10.1955 to 28.10.1962. However, he was appointed as Assistant Librarian through Employment Exchange only from 02.04.1964. Even at the time of his appointment, his service as School Teacher was not considered for fixing seniority and it was like a fresh appointment as Assistant Librarian on



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02.04.1964. His service in the Local Library Authority was considered from 02.04.1964. The petitioner retired from service on attaining the age of superannuation on 31.07.1995. However, only in the year 2014, he has filed a writ petition in W.P(MD).No.352 of 2014 followed by this writ petition. There is a huge delay in agitating the matter. It is clearly established from the records produced that from the year 1955, there was a separate Rule framed for Library Authority and the Library has been independently functioning. The petitioner was appointed as Assistant Librarian only from 02.04.1964. Therefore, his claim that his services should be considered from the date of completion of Diploma in Library Science Course (i.e.,) from 27.04.1958 for the purpose of seniority and other benefits, cannot be considered.

6. In this view of the matter, this Court finds no merit in this writ petition. Hence, this Writ Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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Order made in
W.P.(MD)No.17516 of 2014

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