



W.P.No.27697 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27697 of 2012

N.Subramanian

... Petitioner

Vs.

1. The Commissioner,
Agriculture Marketting and
Agricultural Business,
Chennai – 600 032.
2. The State of Tamil Nadu,
represented by its,
Secretary to Government,
Secretariat,
Chennai – 600 009.
3. The Secretary,
Cuddalore Marketing Committee,
Cuddalore – 607 001.
4. Tmt.P.Rajarajeswari,
Supervisor,
Cuddalore Marketing Committee,
Cuddalore.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ order, or direction in the nature of Writ of Mandamus, direction, directing the 1st respondent to consider the representations of the petitioner dated 03.02.2012 and 20.05.2012 and pass order within a stipulated time in regard to re-fixation of seniority in the post of Junior Assistant and Supervisor.

For Petitioner : Mr.K.Arumugam

For R1 to R3 : Mr.L.S.M.Hasan Fizal
Government Pleader

For R 4 : Mr.Silambarasan

ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the representations of the petitioner dated 03.02.2012 and 20.05.2012 with regard to re-fixation of seniority in the post of Junior Assistant and Supervisor.



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2. The petitioner was appointed as Junior Assistant on 26.07.1980. Thereafter, he was promoted as Supervisor on 03.12.1999. and after attaining the age of Superannuation, he was retired from service on 31.03.2006. The third respondent, by memorandum dated 31.01.2012 had issued seniority list as on 16.08.1995 relating to the post of Junior Assistant/Typist. The petitioner submitted objections to the seniority list and also submitted a representation, to promote him prior to the fourth respondent, to the post of Junior Assistant/Supervisor.

3. On a perusal of the counter filed by the third respondent, it is revealed that the seniority list for Market Committee Employees is prepared as per Rule No.206 of the Tamil Nadu Agricultural Produce Markets Rule 1962, on the basis of the person appointed for the Marketing Committee, by taking into account the date of joining into the service. The date of joining into service alone will be taken to fix seniority and accordingly, the combined seniority list for the posts of Junior Assistant/Steno Types/Typist for Cuddalore Market Committee and the Cumulative State Seniority list for the posts of Junior



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Assistant/Steno-typist/ Typist were prepared. As far as the fourth respondent is concerned, she has joined duty as Steno-Typist on 03.01.1977 and she was regularized from the same date itself. Further, her probation was declared on 07.06.1985. Hence, she was placed above the petitioner in the District Level Seniority list and also State level Cumulative Seniority list.

4. In view of the above, the request made by the petitioner cannot be considered and the Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

01.09.2023

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To

1. The Commissioner,
Agriculture Marketting and
Agricultural Business,
Chennai – 600 032.
2. The State of Tamil Nadu,
represented by its,
Secretary to Government,
Secretariat,
Chennai – 600 009.
3. The Secretary,
Cuddalore Marketing Committee,
Cuddalore – 607 001.
4. The Public Prosecutor,
High Court,
Chennai.



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G.K.ILANTHIRAIYAN ,J.,

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