



WEB COPY



CMP.No.10209 of 2023 in WA.SR.No.52798 of 2023

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R. MAHADEVAN, J.

and

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R. MAHADEVAN, J.)

Seeking to grant leave to the petitioner / third party to file a Writ appeal as against the order dated 06.12.2017 passed in WP.No.36963 of 2015, this civil miscellaneous petition came to be filed.

2.It is averred in the affidavit filed in support of this petition that as per the Tamil Nadu Slum Clearance Board Service Rules as it existed prior to 01.12.2008, the post of Draughtsman Grade III is the feeder category for the post of Junior Engineer. The appellant was promoted to the post of Junior Engineer on 28.01.2004, whereas the respondents 1 to 4, who were appointed as Surveyors, were promoted as Junior Engineer on 03.10.2005, on condition that service will be regularised when rules were amended, which were subsequently amended on 01.12.2008. Thereafter, the respondents 1 to 4 made a representation seeking retrospective applicability of the amendment to the TNSCB Rules and fixing seniority in the cadre of Junior Engineer for the purpose of promotion to the post of Assistant Executive Engineer, which was rejected. Hence, they filed WP.No.36963 of 2015, which was allowed by the learned Judge, by order dated 06.12.2017. In the said order, the respondent authorities were directed to fix seniority of the writ petitioners in the cadre of Junior



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Engineer over and above the respondents 7 to 9, who are the petitioner's immediate seniors, if necessary by granting them notional promotion as such or promotion to the next higher post. Stating that the petitioner herein is an affected party in the present scenario, since there is a direct bearing and impact on her seniority and future promotions, she has preferred this petition with the aforesaid relief.

3.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner/appellant, leave is granted and this miscellaneous petition is ordered accordingly.

[R.M.D., J.] [M.S.Q., J.]
01.06.2023

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