



W.P.No.683 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.683 of 2016
and
W.M.P.Nos.502 to 504 of 2016

S.Kumarasamy

...Petitioner

Vs

The Director of Agriculture
Marketing and Agri Business,
Guindy, Chennai - 600 032.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in Lr.No.V.Kupa.5/8110/15 dated 07.10.2015, quash the same and consequently to direct the respondent to revise the seniority of the petitioner in the post of Superintendent of Market based on State Wide Seniority as on 16.08.1995, by reckoning the date of initial appointment of the petitioner with consequential notional promotion to the post of Supervisor and Superintendent and to consider the petitioner for promotion to the post of Secretary of Market Committee within a time frame.



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For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.M.Shahjahan,
Special Government Pleader

ORDER

Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for the respondent.

2. Based on the State Wide seniority issued on 16.08.1995, the petitioner herein seeks for revision of his seniority in the post of Superintendent of Market, by reckoning the date of his initial appointment with consequential notional promotions.

3. The respondent, in his counter affidavit, had stated that the employees of the Thanjavur Market Committee, who were working in other Market Committees, have been reverted to Thanjavur Market Committee. The petitioner herein had given his willingness to continue in Trichy Market Committee and forgone his lien and given up his seniority gained in the Pudukottai Market Committe. Pursuant to forgoing his



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seniority and lien in Pudukottai Market Committee, the respondent, through their proceedings dated 10.11.1996, allowed the petitioner to work in Trichy Market Committee and necessary entries were also made in the service register of the petitioner.

4. When the petitioner himself has forgone his lien and has given up his seniority in Pudukottai Market Committee, he is now estopped from claiming revision of his seniority by reckoning the date of his initial appointment and the consequential promotional benefits. As such, the impugned order, rejecting his request for revision of his seniority from the date of his initial appointment, cannot be found fault with.

5. The only ground that is being raised by the petitioner herein is that the seniority of one S.Kumutha, who has also forgone her seniority, has been revised and notional promotions have been granted. The affidavit filed by the petitioner does not refer to S.Kumutha giving up her seniority. On the other hand, it only speaks about the revision of seniority of S.Kumutha and the consequential notional promotions being granted to her.



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6. In the counter affidavit, the respondent had rightly stated that since S.Kumutha's seniority has been revised, the petitioner cannot claim revision of seniority on par with her. Even otherwise, it would amount to a case of discrimination, when particularly the petitioner has forgone his lien and seniority at the Pudukottai Market Committee. As such, his claim for notional promotion, from the date of his initial appointment, cannot be sustained.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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