



C.M.P.No.27327 of 2023
in W.A.No.SR138101 of 2023

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R. MAHADEVAN, J.

and

MOHAMMED SHAFFIQ, J.

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

This petition has been filed by the petitioner to grant leave to file the above writ appeal against the order dated 21.12.2022 passed by the learned Judge, in W.P.No.7081 of 2021.

2. According to the learned counsel for the petitioner, the petitioner was selected as Assistant Engineer on 09.12.1998 by the first respondent for the selection made in 1997-98 and has got promotion in various cadres and is now working as Chief Engineer from 09.02.2021. It is further submitted that the selection and seniority list of Assistant Engineers in Rural Development and Panchayat Raj Department, selected through TNPSC by direct recruitment for 1997-98, were approved by the first respondent and published. While so, referring to the order dated 01.10.2021 passed by the Hon'ble Supreme Court, the third respondent had revised the seniority of the petitioner from Sl.No.15 to Sl.No.17, vide order dated 20.10.2021. Following the same, the first respondent passed the order in G.O.(Ms)No.42 dated 25.03.2022, without any legal basis. The learned counsel also submitted that the Hon'ble Supreme Court vide order dated 18.04.2023 in *conempt petition (Civil) Diary No.6415 of 2021 in the case of P.Madhu v. Nanda Kumar*, has categorically stated that the fixation of seniority done prior to 2003 as per seniority or as per merit, should not be disturbed; and the order dated 01.10.2021 passed by the Hon'ble Supreme



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Court relating to revisiting the seniority, is not at all covered to the petitioner's batch. In such circumstances, challenging the order passed by the first respondent in G.O.(Ms)No.42 dated 25.03.2022, one G.Elango filed WP.No.7081 of 2021 and the said writ petition came to be disposed of along with other two writ petitions, in which, the learned Judge, by order dated 21.12.2022, directed the authorities to finalise the promotion panel. The petitioner is aggrieved by the said order of the learned Judge and hence, seeks permission of this court to file the above writ appeal to challenge the same.

3. Considering the reasons stated in the affidavit filed in support of this petition and being satisfied with the same, this Court is inclined to grant leave to the petitioner to file the above appeal. Accordingly, this petition is ordered as prayed for.

[R.M.D., J.] [M.S.Q., J.]
29.11.2023

nsd



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