



W.A.(MD)No.1448 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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- 1.S.Nagarajan
- 2.R.Malathi
- 3.B.Kannathasan
- 4.V.Ashokkumar
- 5.S.Elango
- 6.M.Saravanamoorthy
- 7.K.Nirmal
- 8.B.Indrani
- 9.G.Balasubramanian
- 10.P.Anbumani
- 11.G.Suganadevi
- 12.T.Premkumar
- 13.S.Suresh
- 14.R.Palanisamy
- 15.K.Shanthi
- 16.S.Revathi

... Appellants



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Vs.

1.The State of Tamil Nadu,

Rep. by its Secretary,

Rural Development & Panchayatraj Department,

Secretariat, Chennai.

2.The Principal Secretary / Personal & Administrative

Reforms (B) Department,

Secretariat, Chennai-9.

3.The Director,

Directorate of Rural Development & Panchayat Raj,

Panagal Maligai, Saidapet, Chennai-15.

4.The District Collector,

Karur, Karur District.

5.I.Geetha

6.P.Suresh

7.S.Nalini

8.S.Pondurai Siva

9.M.Sudha

10.R.Usha

11.S.Saridha

12.K.P.Nithya

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13.P.Gayathri

14.K.Kamatchi

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.23162 of 2016, dated 26.03.2018 on the file of this Court.

For Appellants : Mr.J.Lawrance

For R1 to R4 : Mr.C.Kameswaran,
Government Advocate

For R5 & R14 : Mr.T.Lajapathi Roy, Senior Counsel

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been instituted, challenging the order dated 26.03.2018 passed in W.P.(MD)No.23162 of 2016.

2.The appellants / writ petitioners are directly recruited Assistants through TNPSC. The respondents 5 to 14 were initially appointed as Typists and subsequently, promoted to the post of Assistant on Ministerial line. The dispute regarding fixation of seniority arose between the parties and the Writ Petition was instituted by the petitioners / directly recruited Assistants mainly on the ground



that unqualified Typists, who did not possess requisite training of one year as Junior Assistant, had been promoted to the post of Assistants in violation of the Rules. Therefore, the writ petitioners challenge the promotion order of the respondents 5 to 14.

3.The learned Single Judge considered the issues and rejected the Writ Petition mainly on two grounds. The writ petitioners have not produced ample records to establish that the respondents 5 to 14 did not possess requisite qualification of one year training as Junior Assistants and secondly, the Writ Petition was instituted after a lapse of many years and thus, the same is liable to be rejected on the ground of laches.

4.The learned counsel for the appellants drew our attention with reference to a copy of the proceedings issued by the Block Development Officer concerned regarding experience certificate. At this length of time, we cannot go into the correctness of the said certificate and more so, one or two candidates, who had completed Junior Assistants training beyond the crucial date, were also promoted. However, the writ petitioners have not approached the appellate authority or the Court within a reasonable period of time.



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5.If the settled seniority is unsettled after long years, the same would result in larger repercussions regarding the seniority of other promotees and direct recruiters, whose names were included in the list of seniority. This exactly is the reason as to why the Constitutional Courts have held that the settled seniority cannot be unsettled after a lapse of many years.

6.In the present case, the writ petitioners have not furnished adequate reasons for the delay in instituting the Writ proceedings. Promotions were granted in the year 2012 and the panel was prepared based on the crucial date ie., 15.03.2012 and promotions to the post of Assistant were granted in May and June, 2012. However, the writ petitioners were appointed as Assistants directly through TNPSC in December, 2012. The learned Single Judge recorded that the writ petitioners were appointed after the promotion of respondents 5 to 14 to the post of Assistants. Thus, there is no reason to interfere with the order of the promotions granted in favour of the respondents 5 to 14. The Writ Petition was instituted in November, 2016 after a lapse of about 4 years.



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7.Considering the facts and circumstances of the case, we do not find any reason to interfere with the findings of the learned Single Judge in the order impugned in the present Writ Appeal. Accordingly, the order stands confirmed and this Writ Appeal is dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

09.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1.The Secretary,

State of Tamil Nadu,

Rural Development & Panchayatraj Department,

Secretariat, Chennai.

2.The Principal Secretary / Personal & Administrative

Reforms (B) Department,

Secretariat, Chennai-9.

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3.The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligai, Saidapet, Chennai-15.

4.The District Collector,
Karur, Karur District.



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V.LAKSHMINARAYANAN, J.

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