



WEB COPY

W.P.(MD) No.5428 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.5428 of 2016
and
W.M.P.(MD) No.4880 of 2016**

R.Sri Chitra

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home (Courts) Department
Fort St.George, Chennai-09

2.The Registrar General
High Court of Judicature
Madras

3.The District and Sessions Judge
Kanyakumari District at Nagercoil
Nagercoil

4.The Chief Administrative Officer
District and Sessions Court
Kanyakumari @ Nagercoil
Nagercoil

5.C.Ayyappan

... Respondents

Page 1 of 6



WEB COPY

W.P.(MD) No.5428 of 2016

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order in Roc.133/2014-A, dated 30.03.2015 with enclosed Seniority List as on 01.07.2014, on the file of the third respondent and quash the same as illegal and consequently to direct the third respondent to revise and refix the seniority of petitioner in accordance with the consolidated seniority list of Tamil Nadu Basic Service in both Civil and criminal units of Kanniyakumari District as on 01.07.2012 and consequently provide promotion to the post of Record Clerk, within the time stipulated by this Court.

For Petitioner : Mr.G.Karthick
for Mr.T.Lajapathi Roy & Associates

For Respondents : Mr.N.Sathish Kumar
Additional Government Pleader for R1
Mr.K.Samidurai for R2 to R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted questioning the validity of the order dated 30.03.2015 along with the seniority list as on 01.07.2014, on the file of the third respondent.



W.P.(MD) No.5428 of 2016

WEB COPY

2. The petitioner was initially appointed as Masalchi on 03.10.2008. She was promoted to the post of Office Assistant and posted in the Special Court, Nagercoil, *vide* proceedings dated 09.04.2014. The grievance of the petitioner is that the fifth respondent, who joined as a Night Watchman on 12.02.2010, was promoted to the post of Office Assistant overlooking the seniority and therefore, the petitioner submitted an application to revise her seniority and promote her with retrospective effect. Since the claim of the petitioner was not considered, the present writ petition is filed.

3. It is seen that the learned District and Sessions Judge, Kanyakumari District at Nagercoil, has passed an order dated 10.09.2015 revising the seniority of the petitioner and granting deemed promotion to the juniors with effect from 10.04.2014, the date on which the petitioner was promoted as Office Assistant. In other words, the seniority issue was settled by placing the name of the petitioner above the name of her juniors in the cadre of Office Assistant.



WEB COPY

W.P.(MD) No.5428 of 2016

4. As per the said revised seniority list, the name of the petitioner is placed above the names of Tmt.T.Maria Saliet Mary, Thiru.M.Baskaran, Thiru.C.Ayyappan and Tmt.M.Rosemary. Therefore, the name of the fifth respondent was placed below the name of the petitioner and their promotion to the cadre of Office Assistant was granted with effect from 10.04.2014.

5. Since the grievance of the petitioner had already been redressed and the name of the fifth respondent was placed below the name of the petitioner in the revised seniority list dated 10.09.2015, no further adjudication needs to be undertaken in respect of the grounds raised by the petitioner.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

13.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

Page 4 of 6



W.P.(MD) No.5428 of 2016

WEB COPY

To:
The Secretary to Government,
Home (Courts) Department,
State of Tamil Nadu,
Fort St.George,
Chennai-09.



WEB COPY



W.P.(MD) No.5428 of 2016

S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.P.(MD) No.5428 of 2016
and
W.M.P.(MD) No.4880 of 2016

13.10.2023