



WEB COPY



W.P.(MD).No.8551 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8551 of 2016

G.Ravi

... Petitioner

Vs.

1.The Additional Director General of Police,
Inspector General of Prisons,
C.M.D.A. Tower – 2,
Egmore,
Chennai – 8.

2.The Chairman of Promotion Board/
Deputy Inspector General of Prisons,
Madurai Range,
Madurai – 16.

3.The Superintendent of Prisons,
Office of the Superintendent of Prisons,
Borstal School and District Jail,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to re-fix the petitioner's seniority by placing his name prior to Mr.M.Vivekanandan, cited as Serial No.295 in the Seniority List of Chief Head



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Warders (Male) working in Central Prisons and Sub-Jails on 01.01.2014 and further direct the first respondent to give effect such re-fixation of his seniority by promoting him in the post of Assistant Jailor in the Prison Department along with monetary, terminal and attendant benefits.

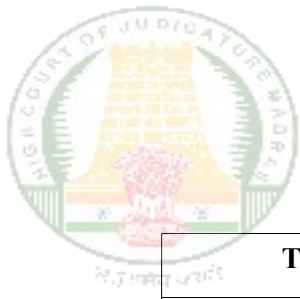
For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.P.Thambidurai,
Government Advocate.

ORDER

This Writ Petition is filed for Writ of Mandamus directing the first respondent to refix the petitioner's seniority by placing the petitioner prior to M.Vivekanandan and further give effect to the promotion and refix the seniority with attendant benefits.

2. The respondents have filed a counter stating that the petitioner was not considered, since at the time of consideration, the petitioner is already retired. The respondents have given service details of the petitioner as well as the said M.Vivekanandan, which is extracted hereunder:



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Tr.M.Vivekanandan (Senior)	Tr.G.Ravi (Junior)
D.O.B – 04.04.1957	D.O.B. - 21.03.1957
D.O.A. - 18.10.1983 (Grade II Warder (SI.No.42))	D.O.A. - 18.10.1983 (Grade II Warder (SI.No.49))
28.11.2005 (Grade I Warder (UG))	29.11.2005 (Grade I Warder (UG))
12.09.2012 (Chief Head Warder (SI.No.101))	12.09.2012 (Chief Head Warder (SI.No.133))
23.04.2015 (Assistant Jailor)	31.03.2015 (Retired)
30.04.2015 (Retired)	

Both the petitioner and the said Vivekanandan have travelled together and was promoted as Chief Head Warder on 12.09.2012 and the said Vivekanandan was promoted as Assistant Jailor on 23.04.2015 but at that time, the petitioner had retired on 31.03.2015. The said Vivekanandan was also retired on 30.04.2015, which means he was holding the post for a period of 7 days alone. The contention of the petitioner is that the seniority list for the post of Assistant Jailor was prepared on 01.01.2014 itself. If the respondents have considered the same in the year 2014 itself, then the petitioner would have been promoted as Assistant Jailor. Since there was delayed in consideration, the petitioner has lost his valuable promotional opportunity. But the respondents



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submitted that the promotion is not automatic but it depends on available vacancy.

3. If there are vacancies available after preparation of the seniority panel, then the petitioner is entitled to be considered. If vacancy is available then the petitioner is entitled to notional promotion and the monetary benefits attached to the said post. Therefore, this Court is inclined to direct the respondents to consider and pass orders within a period of (8) eight weeks from the date of receipt of the copy of the order.

4. Whenever a seniority list is prepared for considering promotion, the persons who are on the verge of their retirement has to be considered at the earliest or they should be provided with some monetary benefits. The Government shall formulate a scheme to this effect, since it falls within the purview of policy decision. This direction shall be considered and pass orders within a period of (6) six months from the date of receipt of the copy of the order.



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WEB COPY 5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

08.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Additional Director General of Police,
Inspector General of Prisons,
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Egmore,
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S.SRIMATHY, J.

Nsr

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