



W.P.No.24983 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24983 of 2012

K.S.Viswanathan

... Petitioner

Vs.

The Director of Town Panchayat,
Kuralagam,
Chennai.
Respondent

...

Writ Petition has been filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to finalise and circulate the seniority list of Executive Officer Selection Grade and other grades pursuant to the preparation of the tentative seniority list circulates vide proceedings dated 31.12.2009 and consequently grant the petitioner promotion on par with his juniors along with consequential fixation of pay and pension.

For Petitioner : Mr.V.Vijau Shankar

For Respondent : Mr.M.Murali,
Government Advocate



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ORDER

This writ petition has been filed by the petitioner to direct the respondent to finalise and circulate the seniority list of Executive Officer Selection Grade and other grades pursuant to the preparation of the tentative seniority list circulates vide proceedings dated 31.12.2009 and consequently grant the petitioner promotion on par with his juniors along with consequential fixation of pay and pension.

2. The case of the petitioner is that the petitioner has joined service as Junior Assistant in 1961 and got promotion as Executive Officer Grade II, Grade I and finally retired as Executive Officer Selection Grade on 31.01.1999. This being so, the respondent has published a revised seniority list from 1981 onwards and a tentative seniority list dated 31.12.2009 in the category of Executive Officer Selection Grade. Only after the preparation of the tentative seniority list circulated by proceedings dated 31.12.2009, the petitioner came to know that he was far ahead in seniority to his juniors. Accordingly, the petitioner submitted a representation dated 27.01.2010 to



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the respondent, requesting to give him appropriate promotion along with consequent pay fixation on par with his juniors. Since no action was taken on the said representation, the petitioner has filed writ petition in W.P.No.14673 of 2010 before this Court and the same was disposed of with a direction to the respondent to consider and pass appropriate orders. Subsequently, it was informed by the respondent by his proceedings dated 02.09.2010 that the seniority list published on 31.12.2009 was only a tentative seniority list and at the time of finalizing the same, the grievance of the petitioner would be looked into. However, till date no order has been passed by the respondent. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 27.01.2010 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the respondent has no objection for the said order being passed by this Court.



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5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 27.01.2010 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

04.03.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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To:

The Director of Town Panchayat,
Kuralagam,
Chennai.



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J.SATHYA NARAYANA PRASAD,J.

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