



WEB COPY



W.P. Nos.23191 of 2017 and batch,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. Nos.23191 of 2017, 14236,
14238, 14245 of 2020
& 15424 of 2021
and
W.M.P.Nos.24293 of 2017,
17707,17709, 17710, 17711, 17714,
17716, 17720, 17721, 17722 of 2020,
16325, 16326 & 16327 of 2021

J.Subramani,
S/o.Late.M.Joghee

... Petitioner in all W.Ps.

Vs.

The Director of Public Library,
No.737/1, Anna Salai,
Chennai.

... Respondent in all W.Ps.

Prayer in W.P.No.23191 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.491/A1/2017-3, dated 04.05.2017 passed by the Respondent herein and quash the same as illegal and further directing the respondent to fix the seniority of the petitioner in the light of the Government Letter No.81, dated 23.03.2009.



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Prayer in W.P.Nos.14236, 14238, 14245 of 2020 & 15424 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.5819/A1/2018-1, dated 31.05.2018, Na.Ka.No.4255/A1/2019, dated 29.05.2019, Na.Ka.No.4263/A1/2020, dated 09.09.2020 and Na.Ka.No.788/A1/2021, dated 28.06.2021 and quash the same as illegal, arbitrary and discriminatory and consequently direct the respondent to revise the seniority list and fix the petitioner in the suitable place.

In all W.Ps.

For Petitioner : Mr.A.Ansar

For Respondent : Mr.P.Gurunathan,
Additional Government Pleader

COMMON ORDER

The Writ Petitions have been filed seeking to quash the records passed by the respondent herein, dated 04.05.2017, 31.05.2018, 29.05.2019, 09.09.2020 and 28.06.2021 and consequently, direct the respondent to fix the seniority of the petitioner in the light of the Government Letter No.81 dated 23.03.2009.

2. The petitioner originally joined in the post of Librarian Grade III



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on 23.01.1993 under the category of compassionate appointment. He had completed his departmental training (Bavanisagar training) in the year 1995 itself and his junior one L.Clement has completed the said training in the year 1994. However, the petitioner finds himself placed in Sl.No.111 and his junior the said L.Clement in S.No.69 in the seniority list released on 01.01.2017 for promotion to the cadre of Librarian Grade II. According to the petitioner, only in view of the completion of departmental training, the petitioner was placed below his junior in the seniority list released on 01.01.2017 and it is not in accordance with law.

3. Heard, Mr.A.Ansar, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondent.

4. Mr.A.Ansar, learned counsel for the petitioner submitted that the petitioner has filed this Writ Petition by resting on the Government letter No.81, dated 23.03.2009, wherein it has been stated that the delay on the part of the Government to send the individuals to Bavanisagar training



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should not have any adverse impact upon their seniority. At the time when the petitioner completed training in the year 1995, the Government letter was not issued and that he could not claim seniority against the said L.Clament. Only in view of the delay in completing the training, the petitioner was placed below his junior in the seniority list released on 01.01.2017 for the cadre of Librarian Grade II.

5. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondent submitted that the petitioner has chosen to seek the above relief belatedly after 27 years of his service. In fact, he underwent training in the year 1995 and at that time, he did not claim any priority over the said Clament. The learned Additional Government Pleader further submitted that the petitioner is pointing out the person who belongs to other District and such comparative seniority cannot be made.

6. Admittedly, the Government Letter No.81 dated 23.03.2009, was not in force at that time when the petitioner had completed departmental training in the year 1995. Hence, he is not able to stand as senior to the



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said Clament. The person against whom the petitioner claims seniority is not a party to the proceedings, despite his interest is involved in this litigation. Apart from that, it is stated that the petitioner belongs to Nilgiris District and the said Claimant belongs to Salem District. In such case, District wise seniority will be applicable as per the Government instructions in this regard. Further, the petitioner has come out with the claim after 27 years. Hence, the relief sought for by the petitioner cannot be granted. However, the petitioner is at liberty to make a representation before the respondent, ventilating the above grievance and on receipt of the same, the respondent shall consider and pass orders on its own merits and in accordance with law.

7. With the above observation, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

R.N.MANJULA ,J.



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vum

To
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