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W.P.No.36956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

W.P.No.36956 of 2024

G.Shanthi ... Petitioner

-Vs-

1. The Registrar General
High Court Madras
Madras – 600 104.

2. The Principal District Judge
Thiruvavarur. ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the appeal filed on 01.07.2024 within a stipulated time frame as fixed by this Hon'ble Court.

For Petitioner : Ms.R.Vaishnavi
For Respondents : Mr.Arjun Suresh

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is to direct the 1st respondent to dispose of the appeal filed on 01.07.2024 within a stipulated time frame as fixed by this Court.



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2. Heard the learned counsel for the petitioner, who would submit that a writ of mandamus has been sought for to seek for a direction to the first respondent to dispose of the appeal filed by the petitioner on 01.07.2024 within a stipulated time.

3. The writ petitioner had made such an appeal before the first respondent to fix the inter-se seniority amongst the Sherishtadars working in Tiruvarur District, more particularly comparing with one Babu, who has been placed above her.

4. In this context, Mr.Arjun Suresh, learned counsel who takes notice for the respondents, on instructions, would submit that the inter-se seniority between the incumbents already working in a unit and another person of the same cadre transferred from other unit on administrative ground can be considered and decided only based on the date of entering into the initial appointment into the service ie., Tamil Nadu Judicial Ministerial Service. In aid of such proposition, the learned counsel explained the first explanation to Rule 39 of the said Rules. Thereby, the claim made by the petitioner if at all is concerned, since she entered initially into service on 03.04.1989, whereas the said Babu entered into initial service on 31.08.1986. If explanation (1) to Rule 39 is applied, the petitioner can only be treated as junior. Therefore, fixing the seniority among them by fixing Babu above



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the writ petitioner is a correct action that has been made by the second respondent.

Therefore, to that extent it does not warrant interference at the hands of the appellate authority. Anyhow, he would add that since the petitioner wants to dispose of her appeal, which is statutorily made before the first respondent, the same would be disposed of on merits and in accordance with law within a time frame to be fixed by this Court.

5. The said submission made by both sides having been taken note of especially by recording the submission of the learned counsel for the respondents, we are inclined to dispose of this writ petition with the following order:

“That there shall be a direction to the first respondent to consider and pass orders by disposing of the appeal filed by the petitioner on 01.07.2024 on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.”

6. With the above direction, this writ petition is disposed of. No costs.

(R.S.K.,J.) (C.S.N.,J.)
12.12.2024

Index : Yes/No
Internet : Yes/No
KST



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and
C.SARAVANAN, J.

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