



C.M.P.No.520 of 2024
IN
W.A.SR.No.162756 of 2023

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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This petition has been filed by the petitioners/appellants to grant leave to file an appeal against the order dated 10.11.2023 passed by the learned Judge, in W.P.No.35800 of 2019.

2. The learned counsel for the petitioners submitted that the petitioners were initially appointed as Junior Assistant/Typist/Steno Typist Grade II on various dates from 1994 to 2006, and their services were regularized from the date of joining; and that, they were promoted as Assistants during the period from 2005-06 to 2010-11 and they were subsequently, promoted as Office Superintendents and are working as such, as on date. Whereas, the writ petitioners / private respondents herein were appointed and joined service as Assistants only in December, 2012 through direct recruitment and they completed their probation in the year 2014. However, by wrongly contending that the petitioners had been appointed to the post of Assistants only in 2015 through proceedings dated 20.01.2015, but by giving retrospective effect, the seniority of the private respondents had been affected, the writ petitioners / private respondents preferred WP. No. 35800 of 2019, challenging the seniority lists prepared by the promotion panel in the respective years from 2005-06 to 2010-11, quash the proceedings of the fourth respondent dated 20.02.2015 and consequently, direct the respondent



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authorities to treat the private respondents / writ petitioners as senior to the 5th respondent for all purposes including promotion and consequential benefits. The learned Judge, by order dated 10.11.2023, allowed the writ petition as prayed for. According to the learned counsel, the petitioners are adversely affected by the order so passed by the learned Judge, without hearing the petitioners herein, and hence, they are inclined to prefer an appeal as against the same. Stating so, the petitioners have preferred this miscellaneous petition seeking leave for the same. It is also pointed out that the petitioners are similarly situated to the private respondents in the writ petition, who have already preferred W.A.No.3315 of 2023, which is pending before this court.

3. Considering the reasons stated in the affidavit filed in support of this petition and having regard to the submissions made by the learned counsel for the petitioners, leave is granted and this petition is ordered as prayed for.

gya

[R.M.D., J.] [M.S.Q., J.]
08.01.2024

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