



W.A.(MD).No.87 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.87 of 2023
and
C.M.P.(MD)No.1082 of 2023**

- 1.The Director of Town Panchayat,
Directorate,
Chennai – 600 028.
- 2.The District Collector,
Collectorate,
Tirunelveli District.
- 3.The Assistant Director of Town Panchayats,
Tirunelveli Zone,
Tirunelveli.
- 4.The Executive Officer,
Town Panchayat Office,
Thisayanvilai,
Tirunelveli District.

... Appellants

-VS-

1.S.Lakshmanan

2.S.Kumaresan

... Respondents

(R5 is impleaded vide order dated 30.09.2021
in W.P.(MD)No.11848 of 2021 in
W.M.P.(MD)No.13990 of 2021)



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.11848 of 2021, dated 28.09.2022.

For Appellants : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.K.Balasubramani
Special Government Pleader
For 1st Respondent : Mr.G.Thalai Mutharasu
For Mr.M.Mohana Sundaram

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.G.Thalai Mutharasu, learned counsel for Mr.M.Mohana Sundaram takes notice for the 1st respondent.

2.Challenge in this Appeal is to the direction issued by the Writ Court, directing the respondents to be retained in the post of Junior Assistant.

3.The Writ Court had directed the 1st respondent to be treated as Junior Assistant, even though his initial appointment was as a Typist, the post of Junior Assistant and Typist are not inter-changeable under Service Rules.

4.The learned counsel for the 1st respondent would submit that the



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1st respondent would be eligible for promotion in the quota available for Typist even in the year 2019 – 2020 panel.

5.It is now stated that by virtue of the seniority as Typist itself, the 1st respondent would be eligible for promotion as Assistant.

6.If that be so, whether the 1st respondent is considered in the category of Typist or in the category of Junior Assistant, the effect will be the same. If the 1st respondent is eligible for promotion as per seniority, the Government will consider the same and promote him.

7.The Writ Petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
25.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn



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