



WP(MD) No.16114 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16114 of 2024

and

W.M.P(MD)Nos.14023, 14024 & 14025 of 2024

1.G.Prabhakaran

2.M.Nagarajan

3.I.Arunkumar

4.A.Anandharaj

5.V.Balasubramani

6.S.Santhana Vairam

7.K.Manikandan

8.T.Jegatha

9.S.S.Jayanthi

10.G.Diwan

11.G.Suganthi

12.P.Satheeshkumar

13.R.Rameshkumar

14.A.Girija

... Petitioners

Vs.



WP(MD) No.16114 of 2024

WEB COPY

1.The State of Tamil Nadu,
Represented by its Secretary,
Public Health and Preventive Medicine,
St. George Fort,
Chennai – 600 009.

2.The Secretary,,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai - 600 003.

3.The Director,
Public Health and Preventive Medicine,
DMS Compound, Chennai - 600 006.

4.R.A.Revathi Rajathi

5.M.Karthikeyan

6.M.Manmadhan

7.K.Dakshina

8.M.Ezhilarasi

9.B.Chithralega

10.V.S.Vani

... Respondents



WP(MD) No.16114 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned seniority list issued by the third respondent in his proceedings in R.No.6627707/E4/S2/2024, dated 01.02.2024 and quash the same as illegal consequently direct the third respondent herein to prepare and publish a fresh seniority list for the post of Assistants and refix the seniority of the petitioners strictly in accordance with law and in accordance with the Judgements rendered by the Apex Court and High Court, within a time stipulated by this Court.

For Petitioners : Mr.C.Kishore

For Respondents : Mr.N.Ramesh Arumugam

Government Advocate

ORDER

Heard Mr.C.Kishore, learned counsel appearing for the petitioners and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 to 3.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



WP(MD) No.16114 of 2024

WEB COPY

3. The grievance of the petitioners is that the *inter se* seniority list released on 01.02.2022 would show that persons much junior to the petitioners' have been placed above the petitioners. It appears that the inter se seniority list has been prepared in the ratio of 1:1 between the direct recruits and the promotees to the post of Assistants. The petitioners are direct recruitees to the post of Assistants and as per the submission made by the learned counsel for the petitioners, the petitioners have joined between the period from February 2017 to September 2017. The Junior Assistants who were already in service have also been given promotion by virtue of their seniority and those proceedings have been made on 08.09.2017. While releasing the inter se seniority, it is stated that the promotees who have joined, at a later in point of time, have been kept above the petitioners who have joined earlier. It is further submitted that the promotion have also been given with retrospective effect to some of the Junior Assistants and that caused confusion in the seniority.

4. The very object of the inter se seniority by fixing any ratio between the promotees and the direct recruits or any other mode of



WP(MD) No.16114 of 2024

WEB COPY

appointment is to provide a fair opportunity to all the streams in the matter of career progression. If persons who have been recruited in one particular method is placed consecutively as one block that would deprive the opportunity for promotion to the persons who have appointed in other mode. So, it is learnt that the respondent Department had prepared a roster of inter se seniority by adopting 1:1 ratio. In these kinds of matters, disputes arise between the Direct recruits and the promotees, in view of the delay in giving promotion to the promotee candidates and the recruitment made to the direct recruits. Had the promotions were been given in time and the vacancies ear-marked for the direct recruitment has also been filled up, there will not be any confusion in arriving at the *inter se* seniority list. The variation in time lines had caused this confusion. While releasing the impugned *inter se* seniority list itself, it has been stated that any person who have aggrieved due to the above order can make their submission. Retrospective promotion per se is not illegal, however, the person who gets retrospective promotion will not get the monetary impact and the monetary impact can be given only on and from the date during which period the individual joins the promoted post.



WP(MD) No.16114 of 2024

WEB COPY

5. It seems that on 01.02.2024 some individuals have been included in the panel for the post of Statistical Assistants by way of promotion and appointment by transfer of service for the year 2023-2024. After releasing the above list, it is also informed that anyone who wishes to prefer an appeal can file an appeal within one month. It is learnt that the *inter se* seniority list has been prepared on 01.02.2024.

6. In view of the opportunity given to the persons in service, the petitioners have filed their representation and as per instructions, the learned Government Advocate submitted that the representations are under consideration and suitable orders will be passed.

7. In such case, the petitioners can wait for the outcome of their representation after being considered by the third respondent and orders passed in this regard.



WP(MD) No.16114 of 2024

WEB COPY

8. In view of the same, the writ petition is disposed of and the third respondent is directed to dispose of the appeal filed by the petitioners and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.07.2024
(2/2)

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



WP(MD) No.16114 of 2024

To
WEB COPY

1.The State of Tamil Nadu,
Represented by its Secretary,
Public Health and Preventive Medicine,
St. George Fort,
Chennai – 600 009.

2.The Secretary,,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai - 600 003.

3.The Director,
Public Health and Preventive Medicine,
DMS Compound, Chennai - 600 006.



WEB COPY



WP(MD) No.16114 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16114 of 2024

19.07.2024
(2/2)