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W.P.(MD) No.22046 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22046 of 2021

and

W.M.P.(MD) No.18655 of 2021

M.Malaivelu

... Petitioner

-VS-

1.The State of Tamilnadu
rep.by its Principal Secretary
to Government
Finance (Local Fund) Department
Fort St.George, Chennai-09

2.The Director of Local Fund Audit
Combined Finance Department
Office Complex
4th Floor, Nanthanam
Chennai-600 035

3.The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, Broadway
Chennai-600 003

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 and 3 to revise the seniority in the post of Assistant Inspector based on the marks / rank in the selection conducted by TNPSC, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 & R2
Mr.V.Panneerselvam for R3

ORDER

This writ petition has been filed by the petitioner for a mandamus seeking for a direction to the respondents 2 and 3 to revise the seniority in the post of Assistant Inspector based on the marks / rank secured in the selection conducted by the third respondent – Tamil Nadu Public Service Commission, within the time frame to be fixed by this Court.

2. The representation of the petitioner seeking for the aforementioned relief cannot be directed to be considered by the respondents for the following reasons:



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- (a) The petitioner joined the Department in the year 1995 as Assistant Inspector and he was further promoted as Deputy Inspector, then promoted to the next level of Inspector and in the year 2010, he was promoted as Assistant Director. After putting in 29 years of service and enjoying all next level of promotions till date, he has suddenly come out of slumber and disputes the seniority in the feeder category post by filing this writ petition, on the ground that his representation was not considered.
- (b) The decision of the Honourable Supreme Court rendered in S.L.P.Nos.12114 to 12117 of 2021, relied on by the petitioner, pertains to a case involving an Assistant Inspector, who joined the Department in the year 2013 and was holding the post of Assistant Inspector and therefore, the said decision has no applicability to the case of the petitioner, who joined as an Assistant Inspector in year 1995 itself and thereafter had obtained promotions and has put in 29 years of service.



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3. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2024

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

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To:

- 1.The Principal Secretary
to Government,
Finance (Local Fund) Department,
Fort St.George, Chennai-09.
- 2.The Director of Local Fund Audit,
Combined Finance Department
Office Complex,
4th Floor, Nanthanam,
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ABDUL QUDDHOSE, J.

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