



WEB COPY



W.A.No.1447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.1447 of 2023

S.C.Devikarani

.. Appellant

Vs.

The Chief Internal Audit Officer
Board Office, Audit Branch
TNEB, KKR Maligai, 800
Anna Salai, Chennai – 600 002.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 04.11.2023 passed in W.P.No.2187 of 2019.

For the Appellant : Ms.K.R.Ananda Gomathy

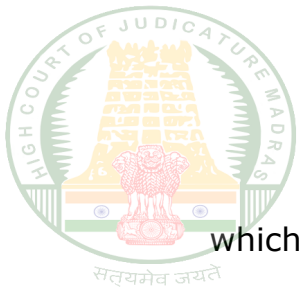
For the Respondent : Mr.A.P.Venkatesh Prasad
for M/s.T.S.Gopalan & Co.

JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 04.11.2023 made in W.P.No.2187 of 2019.

2. When the appeal is taken up for hearing today, *Mr.A.P.Venkatesh Prasad*, learned counsel appearing for the respondent would submit that in fact, the order dated 04.11.2023,



W.A.No.1447 of 2023

which is impugned herein, passed by the Writ Court, is a common order passed in a number of writ petitions. Against the said order, five writ appeals have already been filed in W.A.Nos.59,57, 71, 99 and 108 of 2025 and those writ appeals came to be dismissed by the order of a Coordinate Bench of this Court vide order dated 25.02.2025 and in support of this contention, he has produced a copy of the said order. This position cannot be controverted by the learned counsel appearing for the appellant.

3. In the said order dated 25.02.2025, the Coordinate Bench has passed the following orders:-

"6. Ms.K.R.Ananda Gomathy, learned counsel appearing for the appellants would vehemently contend that these petitioners also joined as Junior Assistants and they were transferred as Junior Auditors and therefore their services as Junior Assistants should also be counted for the purpose of seniority in the post of Junior Auditors in terms of the orders passed in the Contempt Petition.

7. Countering the above said argument, Mr.Anand Gopalan, learned counsel appearing for the Board would submit that the very Writ Petition is based on a mis~conception that BP No.813 would apply to the petitioners. He would submit that the writ



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W.A.No.1447 of 2023

Court was right in concluding that BP No.813 would not apply to the petitioners and it is only Rule 97(d), which would apply to the petitioners and according to Rule 97(d) the petitioners are not entitled to the relief they seek.

8. It has been time and again pointed out that a person's seniority in a particular post can be counted only from the date on which he is borne into that service in that post, it can't be from the date anterior to it. The Hon-ble Supreme Court in K. Meghachandra Singh and others vs. Ningam Siro and others reported in 2020 (5) SCC 689 has made this position very clear. Admittedly, the petitioners were borne in service as Junior Auditors only in 1979. Therefore, they would be entitled to seniority in that service only from 1979.

9. Mr.Anand Gopalan, learned counsel appearing for the Board would concede that their services as junior assistants have been counted for pension and other terminal benefits. Therefore, we do not find any reason for issuance of Mandamus as prayed for and we find that the writ Court was right in rejecting their claim.

10. Hence, the Writ Appeals fail and are accordingly dismissed. No costs."



W.A.No.1447 of 2023

WEB COPY

4. We are in agreement with the said view taken by the Coordinate Bench as against the impugned order. Therefore, this writ appeal also is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs.

(R.S.K., J.)

(A.D.M.C., J)

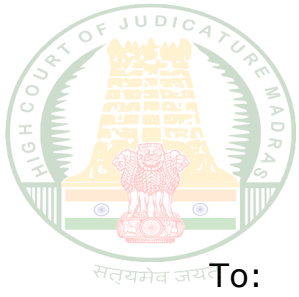
29.04.2025

Speaking Order/Non-Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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W.A.No.1447 of 2023

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WEB COPY

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WEB COPY



W.A.No.1447 of 2023

R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.

(drm)

W.A.No.1447 of 2023

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