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W.P.No.12420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12420 of 2023

G.Sumathi

... Petitioner

vs.

1. The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
St.George Fort,
Chennai-9.

2. The Director of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram, Chennai.

3. The Commissioner,
Salem City Municipal Corporation,
Salem 636 301.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 3rd respondent to consider the petitioner's objection dated 28.09.2021 to the tentative seniority list issued by the 3rd respondent in C3/013136/2021 dated 23.09.2021.



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For Petitioner : M/s.M.Venkatesh Kumar

For R1 & R2 : Mr.S.Rajesh
Govt.Advocate.

For R3 : Mrs.N.Devi

ORDER

The present writ petition has been filed for issuance of a writ of Mandamus directing the 3rd respondent to consider the petitioner's objection dated 28.09.2021 to the tentative seniority list issued by the 3rd respondent in C3/013136/2021 dated 23.09.2021.

2. The case of the petitioner is that the petitioner was selected and appointed as Assistant Engineer through the Employment Exchange and joined duty on 21.07.1995. Thereafter, the third respondent ousted the petitioner from his service on 01.10.1995 and again on 26.12.1995, the third respondent appointed the petitioner as the said post in the Salem City Municipal Corporation. But the third respondent again ousted him from service on 05.06.1996. Therefore, the petitioner filed a writ petition in W.P.No.2172 of 1997 to direct the respondents to consider his name for appointment as Assistant Engineer in any future vacancy in the Salem



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City Municipal Corporation and the same was disposed. The third respondent has also regularized the petitioner services from 23.10.1998 in his proceedings in C6/6917/2000 dated 31.03.2000.

3. It is the further case of the petitioner that the third respondent had issued a common seniority list among the Assistant Engineer and Junior Engineer as on 01.04.2000 wherein his name was kept in Serial No.16 above one Tr.V.Natarajan and below one Tr.M.Palanisamy, both are Junior Engineers i.e. Diploma Holders. The above seniority list was prepared contrary to the Special Rules issued in G.O(MS)No.237 MAWS Department dated 26.09.1996 and also without following the settled principle of 3:1 ratio between Assistant Engineers and Junior Engineers . Hence, the petitioner submitted her objections on 20.12.2000. But the third respondent has neither confirmed the said seniority list nor issued orders modifying the seniority by following 3:1 ratio. Further, the clarifications issued by the Government dated 08.03.2002 stating that 3:1 ratio as prescribed in the special rules for promotions shall be followed for the post of Assistant Executive Engineers. Hence, the petitioner sent a representation to the third respondent dated 23.12.2011 and also



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submitted a reminder dated 20.01.2012. However, there was no response from the third respondent. Aggrieved by the same, the petitioner filed a Writ Petition in W.P.No.33405 of 2012 to quash the impugned memorandum issued by the third respondent dated 25.10.2012 and to consider his name for promotion as Assistant Executive Engineer by following 3:1 ratio and the same was pending. Further, on 07.03.2001, a seniority list was finalised by the third respondent without following *Inter-se* seniority. Thereafter, the petitioner sent her written objections to the third respondent. But the third respondent has not taken steps till date. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the crucial date of fixing the date of seniority list will be in the March of every year. However, the third respondent has issued the seniority list in the month of September. The petitioner sent his objection to the third respondent dated 28.09.2021 and the same was not considered till date.



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5. Heard the learned counsel on either side and also perused the materials available on record.

6. In view of the above submissions made by the learned counsel appearing for the petitioner, the third respondent is directed to consider the objections of the petitioner dated 28.09.2021 and pass appropriate orders on merits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the above observation and direction. No costs.

08.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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J.SATHYA NARAYANA PRASAD, J.

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To

1. The Secretary,
Environment and Forest Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator of Forest,
Principal Chief Conservator Office,
Vellaherry Road, near Toll Gate,
Kanikapuram, Guindy,
Chennai 600 032.

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