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W.M.P.No.27507 of 2024 in

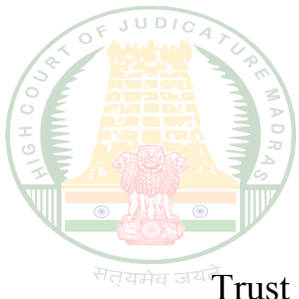
W.P.No.5824 of 2018

R.N.MANJULA, J.

The petitioners have filed this Writ Petition seeking a direction to the respondents to provide the service benefits to the petitioners based on the combined seniority list prepared and published by the respondents in November 2017 within a time to be stipulated by this Court.

2. When the Writ Petition is pending for hearing, the petitioners have filed a Miscellaneous Petition to amend the relief in order to include the prayer for granting promotion to the petitioners retrospectively with effect from the date their juniors got promotion with all attendant and consequential benefits etc., as per the combined *interse* seniority list dated 15.04.2019.

3. The learned counsel for the petitioners submitted that the petitioners are the staff of the first respondent Chennai Port Trust. In the year 2001, there was a scheme to merge two entities by name Chennai Port



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Trust (hereinafter referred as CPT) and Madras Dock Labour Board (hereinafter referred as MDLB). As per the scheme, the integrated seniority list of all the cadres was supposed to be prepared with effect from 2001. But, that was not done. In the meanwhile, promotions were given to some of the cadres. But, according to CPT, those persons who came from MDLB got promotion faster and hence, the employees of CPT have filed a Writ Petition in W.P.No. 27976 & 27977 of 2014 seeking direction to prepare a combined seniority list. Based on the direction issued by this Court, the respondents prepared a tentative seniority list. But, the final seniority list has not been released. As the petitioners felt that the persons junior to them were given with promotion, they have filed this Writ Petition seeking the prayer with regard to monetary benefits alone.

4. After the final list has been released on 15.04.2019, the petitioners came to understand that their seniority has been given in the positions against S.Nos.7,9,12,20,28 and 103. The persons who belonged to erstwhile MDLB have been given with the positions at S.Nos.113,115, 116, 117, 118



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in the combined seniority list. Among the above five positions of the erstwhile MDLB, S.No.113 got promotion in the year June 2009 and the petitioners have got their promotions in the year 2014, 2018 and 2022 and the 6th petitioner is still holding the post of Junior Engineer Grade I. Now, this Miscellaneous Petition has been filed to amend the prayer in the Writ Petition to include the prayer seeking promotion with retrospective effect on par with A.V.Vasanthi who is placed at Serial No.113 of the combined seniority list.

5. The learned counsel for the respondents submitted that the amendment has been sought to change the very nature of the relief sought in the Writ Petition and if the amendment is allowed, that will have the impact on the entire cadre and that will cause confusion. It is further submitted that the promotions are given only in accordance with the seniority list and as per the directions of the Court.



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6. The fact that the tentative seniority list was prepared in the year 2017 is not in dispute. Similarly, the final combined list has been released only on 15.04.2019 is also not in dispute. The petitioners' anxiety to include the relief of promotion is only because they came to know about the final seniority list that they are holding the position above those persons who have been given promotions earlier. Just because the petitioners were allowed to amend the relief will not amount to grant the very relief itself before the Writ Petition is heard at length.

7. The petitioners have found the need to amend the relief in pursuant to the final combined seniority list released on 15.04.2019. In the interest of justice and in order to avoid multiplicity of proceedings, I feel it is appropriate to allow this Miscellaneous Petition and grant the relief of amendment as prayed. Whatever submissions the petitioner and the respondents wish to make in respect of the entitlement of the claim, are at liberty to make their contentions in the main Writ Petition itself.



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8. In the result, this Miscellaneous Petition is allowed.

27.02.2025

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NOTE : The Registry is directed to carryout the necessary amendment in the prayer of the above Writ Petition and list the matter on 13.03.2025.



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