

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5221 of 2007
(O.A.No.5818 of 2002)

M.Dhamotharan

.. Petitioner

-vs-

The District Collector
Kancheepuram

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondent to promote the petitioner as Deputy Block Development Officer from the date on which his junior one K.M.Raguraman was promoted i.e., 2.9.2002.

For Petitioner :: Mr.P.Ganesan
For Respondent :: Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

The petitioner-Mr.M.Dhamotharan filed O.A.No.5818 of 2002 before the Tamil Nadu Administrative Tribunal seeking a direction to the respondent to promote him as Deputy Block Development Officer from the date on which his junior one Mr.K.M.Raguraman was promoted, namely, on 2.9.2002. The said original application, having been transferred, has been renumbered as a writ petition.

2. The claim of the petitioner, as contended by the learned counsel for the petitioner, shows that he was appointed as Junior Assistant on 6.10.66 and thereafter he was promoted as Assistant on 5.5.85. After three years, again he was promoted as Extension Officer on 5.7.88 and he served in the said cadre for the periods as detailed below:-

From 5.7.99 to 26.9.2000, 1 year and 2 months as Extension Officer (Administration)

- (i) From 27.9.2000 to 30.11.2001, 1 year 2 months as Extension Officer (Panchayat)
From 30.11.2001 to till date, 10 months as Extension Officer (Adidravidar Welfare)

However, for further promotion to the post of Deputy Block Development Officer, the minimum requirement of one year service in each field in the cadre of Extension Officer, namely, one year as Extension Officer (Administration), another one year as Extension Officer (Panchayat) and yet another year as Extension Officer (Adidravida Welfare) was required. But the grievance of the petitioner is that when his junior Mr.K.M.Raguraman was also appointed as Junior Assistant, after his promotion as Assistant and further promotion as Extension Officer, he was promptly posted to serve the period of one year in each field, namely, as Extension Officer (Administration), Extension Officer (Panchayat) and Extension Officer (Adidravida Welfare), as a result, he was promoted to the post of Deputy Block Development Officer. But since the petitioner was not relieved timely to serve the period of one year in each field as Extension Officer (Administration), Extension Officer (Panchayat) and Extension Officer (Adidravida Welfare), he was denied promotion to the post of Deputy Block Development Officer. However, the learned counsel, drawing the attention of this Court to the counter filed by the respondent, fairly submitted that as the respondent had considered the promotion of the petitioner to the post of Deputy Block Development Officer, as per the directions given in G.O.Ms.No.585, Rural Development and Local Administration Department dated 12.4.84, by sending his proposal to the Government for temporary promotion to be made under Rule 39(a)(i) for the unqualified persons as Deputy Block Development Officer during the year 1997, which was pending with the Government for want of ratification, has further stated that since the petitioner retired from service long time back without completing the full period of one year service as Extension Officer (Adidravida Welfare) for being promoted to the post of Deputy Block Development Officer, nothing survives in the writ petition.

3. As fairly submitted by the learned counsel for the petitioner, although the petitioner had completed one year service as Extension Officer (Administration) and one year service as Extension Officer (Panchayat), he has not completed the full one year service as Extension Officer (Adidravida Welfare), admittedly, since he retired from service on completion of only ten months, for being promoted to the post of Deputy Block Development Officer. Therefore, the writ petition is dismissed as infructuous. No costs.

ss

-s/d-

Assistant Registrar (Ad-I)

Dt:4/2/2015

True Copy

Sub-Assistant Registrar

To

The District Collector
Kancheepuram

+ 1 cc to Govt. Pleader SR 3698

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