

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7367 of 2007

(O.A.No.6222 of 2002)

A.Sharfudheen .. Petitioner

-vs-

The District Collector of Villupuram  
at Villupuram .. 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 and Block Development Officer from the date on which his immediate junior came to be promoted as such with all consequential benefits, both service and monetary, without insisting on the service qualification in the Extension Officer post and on the basis of the proceedings of the respondent made in Na.Ka.PA4/2340/2002 dated 15.07.2002.

For Petitioner :: Mr.L.Chandrakumar

For Respondent :: Mr.R.Govindasamy  
Additional Government Pleader

ORDER

O.A.No.6222 of 2002 was filed by Mr.A.Sharfudheen before the Tamil Nadu Administrative Tribunal, Chennai seeking a direction to the respondent to promote him as Deputy Block Development Officer and Block Development Officer from the date on which his immediate junior Mr.G.Venugopal came to be promoted with all consequential benefits, both service and monetary, without insisting on the service qualification in the Extension Officer post. The said original application came to be transferred to this Court and renumbered as W.P.No.7367 of 2007.

2. Learned counsel for the petitioner submitted that after the petitioner was appointed as Junior Assistant on 23.12.77, he was promoted as Assistant in the year 1985 and again he was further promoted as Extension Officer with effect from 13.3.97 on the basis of his acquittal in the criminal cases in Case Nos.4 of 1995 and 2 of 1997. However, it was also indicated to this Court that the petitioner, before he was given promotion with effect from 13.3.97, had suffered two charge memos dated 24.4.97 and 31.5.97 alleging certain irregularities in purchase of electrical goods while working as Junior Assistant, which was the subject matter of criminal proceedings in Case Nos.4 of 1995 and 2 of 1997. However, when the criminal Court had acquitted him on 31.10.2000, on the basis of the findings given by the trial Court, the O.A.Nos.5755 and 5756 of 2001 filed by the petitioner challenging the aforementioned charge memos were allowed by quashing the said charge memos. Only thereafter, a representation was given seeking consequential service benefits. In the light of the order passed by the Tribunal in O.A.Nos.5755 and 5756 of 2001 dated 23.1.2002 quashing the charge memos on the basis of the order of acquittal passed in the criminal cases, the petitioner was also promoted as Extension Officer retrospectively with effect from 13.3.97 with all notional benefits. However, the only grievance brought to the notice of the Court today is that when the petitioner was placed at Serial No.64A in the seniority list above his junior Mr.G.Venugopal on 15.7.2002, his next avenue of promotion being Deputy Block Development Officer was not considered, on the sole reason that the petitioner failed to acquire the mandatory one year experience in the post of Extension Officer. Further, the learned counsel for the petitioner submitted that when the Collector of Villupuram in his proceedings bearing Na.Ka.PA4/2349/2002 dated 13.8.2002 has recommended the case of the petitioner for relaxation of his one year experience in the post of Extension Officer, it is not known whether it is allowed or still pending. Therefore, on this basis, he sought for a direction to the respondent.

3. This Court hardly finds any merits in the said submissions. The learned counsel for the petitioner does not know whether the proposal made by the District Collector of Villupuram in his proceedings bearing Na.Ka.PA4/2349/2002 dated 13.8.2002 has been accepted or rejected. From the date of proposal dated 13.8.2002, almost 13 years had gone by. But the learned counsel for the petitioner is not able to assert before this Court about the result of the said proposal. Secondly, this Court is not inclined to give any positive direction, since the proposal of the District Collector, Villupuram was already made in the year 2002, but the result thereof has not been made known to the petitioner's counsel. Therefore, when the petitioner was already given promotion with effect from 13.3.97 to the post of Extension Officer retrospectively by order dated 9.3.2002, this Court may not be in a position to give a direction to

dispense with the one year mandatory experience in the post of Extension Officer, more particularly, when the result of the proposal to give relaxation sent in the year 2002 is not known to the petitioner whether it has been accepted or rejected, hence, the writ petition fails and it is dismissed. No costs.

Sd/-  
Assistant Registrar  
Dated:2.3.15

True Copy

Sub Assistant Registrar

To

The District Collector  
Villupuram.

+1 cc to Mr.L.Chandrakumar, Advocate,SR.8339

+1 cc to Government Pleader,SR.8400.

gp(co)  
krd 6/3

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