

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19574 of 2015

Udayasuriyan

.. Petitioner

Vs.

- 1.The Secretary to Government,
Personnel and Administrative Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government,
Municipal and Administration and Water
Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.
- 4.The Assistant Director of Town Panchayats,
Dindigul, Dindigul District.
- 5.The Executive Officer,
Pallapatti Town Panchayat,
Karur District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to grant exemption from passing Panchayat Officers Department Test -II (Grama Swayarajiyam) in terms of Government Letter No.9140, Employment.M/89- 11/Personnel and Administrative Reforms Department (1st respondent) and consequently, direct the respondents to promote the petitioner as 1st Grade Executive Officer on seniority basis within a time limit as fixed by this Court.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader
for R1 to R4
Mr.R.Ravichandran for R5

ORDER

Mrs.M.E.Raniselvam, learned Additional Government Pleader, takes notice for respondents 1 to 4 and Mr.R.Ravichandran, learned standing counsel takes notice for the fifth respondent.

2. The petitioner joined as Bill Collector in Moolanoor Town Panchayat, Thirupur District, on 30.01.1985. He was promoted as "Junior Assistant" on 15.02.1996 and as "Head Clerk" on 14.02.2014.

3. In order to get further promotion to the post of Executive Officer Grade-I, the petitioner should pass six departmental tests as prescribed in the Rules. The petitioner has passed five departmental tests and he made five attempts to clear the sixth paper, but he is not successful.

4. Now, the petitioner has completed 57 years of age and he has only one year service for retirement. Hence, he made a representation to the third respondent on 01.09.2014 seeking to relax the requirement of passing one departmental test viz., Panchayat Officers Departmental Test - II (Grama Swayarajiyam), in which, he is not qualified, though he attempted five times in terms of the Government letter No.9140/Employment.M/89-11/Personnel and Administrative Reforms Department, dated 20.11.1989.

5. As rightly pointed out by the learned counsel appearing for the respondents, the power to relax necessary qualification lies only with the second respondent-Government based on the abovesaid letter dated 20.11.1989 issued by the first respondent. Hence, a direction is issued to the petitioner to make a fresh representation to the second respondent seeking relaxation of the qualification to pass the Panchayat Officers Departmental Test - II (Grama Swayarajiyam), in which, he failed though he appeared for five times. As and when such representation is received from the petitioner by the second respondent, the second respondent is directed to consider and pass orders on the said representation on merits and in accordance with law within a period of twelve weeks

from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

raa

To

- 1.The Secretary to Government,
Personnel and Administrative Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Secretary to Government,
Municipal and Administration and Water
Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.
- 4.The Assistant Director of Town Panchayats,
Dindigul, Dindigul District.
- 5.The Executive Officer,
Pallapatti Town Panchayat,
Karur District.

- + 1 cc to Government Pleader (SR 33633)
+ 1 cc to Mr.N.Nithianandam, Advocate, (SR 33131)

W.P.No.19574 of 2015

PVR(CO)
YJ 24.07.15