

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21024 of 2015

M.Manoharan

...Petitioner

-Versus-

1. The Director of Rural Development and Panchayat Raj Department,
Office at Panagal Building,
Saidapet, Chennai 600 015.

2. The District Collector,
Nagapattinam.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the 1st respondent to expeditiously dispose of the appeal preferred by the petitioner on 03.12.2014 followed by a reminder on 19.06.2015 as against the provisional fixation of inter se seniority among the direct recruitees and promotees to the post of Assistant Engineer for promotion to the post of Assistant Executive Engineer as per Rule 35(aa) and 35(f) of The Tamil Nadu State and Subordinate Service Rules within a specified time limit that may be fixed by this court.

For petitioner : Mr.S.Mani

For Respondents : Mr.S.Gunasekaran, GA

ORDER

Considering the limited scope of the prayer, by consent, the writ petition itself is taken up for final disposal.

2. The case of the petitioner is that he joined the service of the Highways Department on 04.10.1980 as Assistant Draughtsman. On 10.11.1995, he was transferred and appointed as Overseer in the Rural Development Department. While so, he was promoted as Assistant Engineer and he joined duty on 23.08.2007. The next avenue of promotion is to the post of Assistant Executive Engineer to which, according to the petitioner, he is fully

qualified.

3. Now, the grievance of the petitioner is that the Commissioner of Rural Development and Panchayat Raj Department, who published a provisional seniority list on 09.02.2012 placed the direct recruits over and above the service candidates. He objected to the same in writing, but, the same were not considered. In the mean time, on 03.12.2014, he submitted an appeal to the Principal Secretary to the Government and the respondents 1 and 2 herein. He has also sent a reminder on 19.06.2015. But, there was no response and the appeal petition is still pending. In these circumstances, he is now before this court with this writ petition seeking for a direction to the respondents for early disposal of his statutory appeal.

4. I have heard Mr.S.Mani, the learned counsel for the petitioner and Mr.S.Gunasekaran, the learned Government Advocate, who takes notice for the respondents 1 and 2, and also perused the records carefully.

5. Mr.S.Gunasekaran, the learned Government would be fair enough to submit that the appeal petition of the petitioner would be considered by the authority concerned on merits and in accordance with law within a time frame to be fixed by this court.

6. In view of the above submission made by the learned Government Advocate and the nature of the relief sought for by the petitioner, this court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the appeal petition filed by the petitioner on 03.12.2014 followed by a reminder on 19.06.2015 with respect to provisional fixation of inter se seniority among the direct recruits and the promotees to the post of Assistant Engineer for promotion to the post of Assistant Executive Engineer on merits and in accordance with law and pass appropriate orders on the same within a period twelve weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Director of Rural Development and
Panchayat Raj Department,
Office at Panagal Building,
Saidapet, Chennai-15.

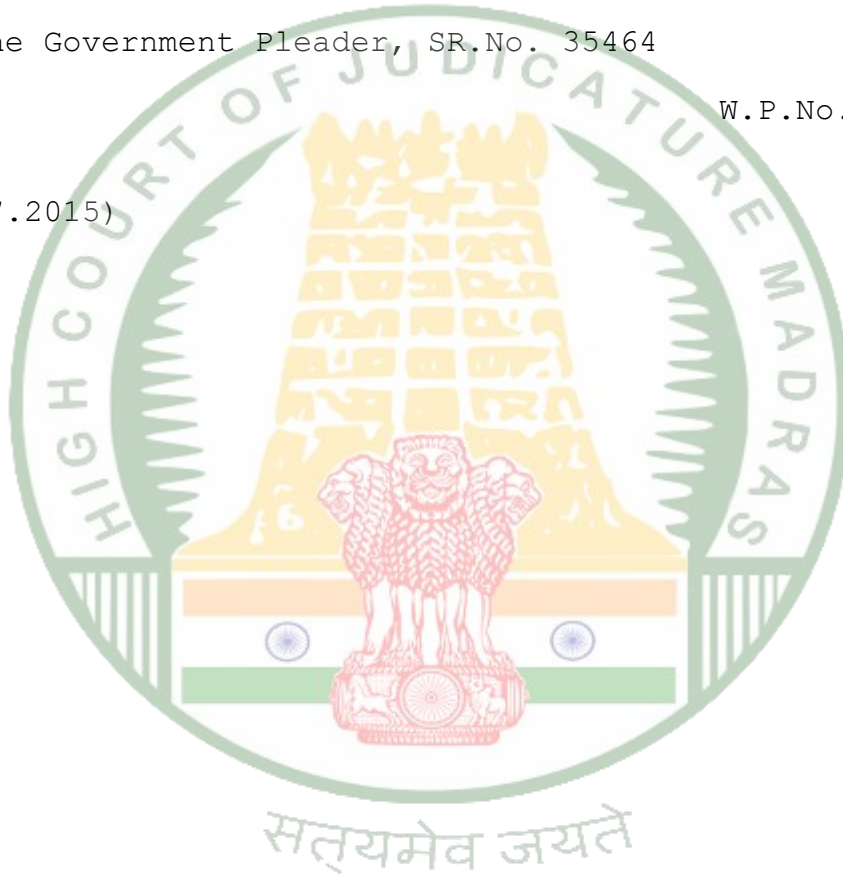
2. The District Collector,
Nagapattinam.

1 CC to Mr.S.Mani, Advocate SR.No. 35778

1 CC to the Government Pleader, SR.No. 35464

W.P.No.21024 of 2015

SAI (CO)
PSI (23.07.2015)



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