

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22209 of 2015

M.Subramanian

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Rural Development and Panchayat
Raj Department,
Fort St.George, Chennai - 600 009,
2. The Commissioner of Rural
Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 005,
3. The District Collector (PD Section)
Thiruvavarur District, Thiruvavarur.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to extend the benefits contained in G.O.P.No.123 Rural Development and Panchayat Raj (E6) Department dated 7.3.2012 to the petitioner by counting the services rendered by the petitioner in the post of Special Temporary Post Rural Welfare Officer Gr-I for the purpose of further promotion and grant notional benefits and consequently pay arrears of salary and other pensionary benefits.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner was initially appointed as Welfare Officer Grade II and advanced to the post of Special Temporary Rural Welfare Officer Grade I in the cadre of Assistant with effect from 1.10.1978. Though Government issued G.O.Ms.No.487 P&AR Department dated 18.4.1979 to count the services rendered in Special Temporary Rural Welfare Officer Grade I as qualifying service for the purpose of promotion to further higher post, respondents failed to reckon the seniority of the petitioner in the cadre of Assistant (Rural Welfare Officer Grade I from 1.10.1978).

2. Similarly situated person like that of the petitioner by name K.Senthilvel filed W.P.No.15194 of 2006 seeking to count the service rendered by him in the Special Temporary post of Rural Welfare Officer Grade I with effect from 1.10.1978 and the same was allowed by this Court on 4.2.2008. The Government also implemented the same by issuing G.O.P.No.123 Rural Development and Panchayat Raj (E6) Department, dated 7.3.2012. Apart from that, I passed an order dated 4.9.2014 in W.P.No.10993 of 2013 directing the respondents to count the service rendered in Special Temporary Rural Welfare Officer Grade I for promotion to higher post. In the said decision, I considered in detail the issues. In these circumstances, the petitioner made a representation dated 3.5.2013 seeking to count the service rendered in Special Temporary Rural Welfare Officer Grade I for the purpose of promotion to the higher post. Though the writ petition is filed seeking a larger relief, learned counsel appearing for the petitioner submits that a direction may be issued to the 1st respondent to dispose of the representation dated 3.5.2013 made by the petitioner in the light of the facts stated above. However, there is no acknowledgment available in the typed set of papers in respect of submitting the representation by the petitioner.

3. In view of the limited prayer made by the learned counsel for the petitioner during the hearing of writ petition, the petitioner is permitted to submit a representation to the 1st respondent within a period of two weeks from the date of receipt of copy of this order and the first respondent shall consider the representation made by the petitioner within a period of twelve weeks thereafter, particularly taking note of the aforesaid facts.

4. The writ petition is disposed of accordingly. However, there is no order as to costs.

usk

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Rural Development and Panchayat
Raj Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009,
2. The Commissioner of Rural
Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 005,

3. The District Collector (PD Section)
Thiruvarur District,
Thiruvarur.

+ 1 cc to M/s.V.Suthakar, Advocate SR 37878

+ 1 cc to Govt. Pleader, High Court, Madras SR 37715

rsk(co)
prk13/8

W.P.No.22209 of 2015



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