

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27628 of 2015
and
M.P.Nos.1 and 2 of 2015

1. Mr.R.C.Sivakumar
Assistant Block Development Office
Valangaiman Tiruvarur District
2. Mr. S. Prabu
Assistant District Rural Development Agency
Collectorate Tiruvarur District
3. Mr. A. Dakshinamoorthy
Assistant District Rural Development Agency
Collectorate Tiruvarur District
4. Smt. A. Jayachitra
Assistant Block Development Office
Muthupet Tiruvaruru District
5. Smt. M. Vani
Assistant Block Development Office
Needamangalam Tiruvaruru District
6. Smt. T. Parkavi
Assistant Office of Asst. Director
(Panchayats) Collectorate
Thiruvarur District
7. Mr. N. Ramesh
Assistant Block Development Office
Mannargudi Tiruvarur District
8. Smt. M. Pushpa
Assistant Block Development Office Kottur
Tiruvarur District

9. S. Mohamed Jabar
Assistant Office of Asst. Director (Audit)
Collectorate Tiruvarur District

... Petitioners

-Vs-

1. The State of Tamilnadu
Rep. by its Secretary
Rural Development & Panchayat Raj Department
Fort St. George
Chennai - 600 009
2. The Director
Rural Development and Panchayat Raj
Panagal Building Saidapet Chennai - 15
3. The District Collector
Collectorate Tiruvarur Town & District
4. Mr. U. Elango
Rural Welfare Officer Graide -I
Block Development Office Nedamangalam
Tiruvarur District
5. Mr. R. Kannan
Rural Welfare Officer Grade-I
Block Development Office Koradachery
Tiruvarur District
6. Mr. A. Sivanesan
Rural Welfare Officer Grade-I
Block Development Office Koradachery
Tiruvarur District
7. Mr. G. Kuljar Ali
Rural Welfare Officer Grade - I
Block Development Office Nannilam
Tiruvarur District
8. Mr. G. Mohan
Rural Welfare Officer Grade-I
Block Development Office Tiruthuraipoondi
Tiruvarur District

9. Smt. M. Kasthuri
Rural Welfare Officer Grade-I
Block Development Office Mannargudi
Tiruvavarur District

10. Mr. R. Ravichandran
Rural Welfare Officer Grade-I
Block Development Office Kottur
Tiruvavarur District

11. Smt. S. Karpagavalli
Rural Welfare Officer Grade-I
Block Development Office
Tiruvavaruru Town and District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the urgent note order Na.Ka.No.4585/2015/A5 (Development) dated 20.7.2015 issued by the 3rd respondent and quash the same and as the respondents 4 to 11 and others who have not completed the mandatory one year service as RWO I as not qualified for promotion to the post of Deputy Block Development Officer and consequently directing the 3rd respondent to draw a panel as on 1.3.2015 to promotion of Deputy Block Development Officer from Assistant for the year 2015 within a stipulated time and promote the petitioners as Deputy Block Development Officers from Assistants forthwith.

For Petitioners : Mr.P.Thiagarajan

For Respondents : Mr.V.Subbiah,
Special Government Pleader

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners initially came to be appointed as Typists on 24.07.2009 and they have been regularised by the third respondent on 02.09.2010 and their probation was also successfully declined. The petitioners got promotion to the post of Assistant from the post of Typist. It is further stated by the petitioners that the 3rd respondent has drawn the seniority list as on 01.01.2013 and in the

said list, the names of the petitioners were placed in Sl.Nos.8, 13, 15, 16 and 18 respectively and the names of respondents 4 to 11 have not found place in the said list. On 29.12.2014, the 3rd respondent has made a temporary promotion to 10 persons as Assistant Block Development Officers under Rule 39(a) (i) of Tamil Nadu State and Subordinate Service Rules, without drawing any panel. In this regard, the petitioners had submitted representations on 08.05.2015 praying to draw a panel and the 3rd respondent has also drawn the temporary seniority list as on 01.01.2015.

3. It is the case of the petitioners that as per Service Rules, seniority list must have been prepared as on first date of January of every year and the panel has to be drawn before the end of March for every year and necessary communication shall be made to the persons concerned, inviting their objections and thereafter, final seniority list to be drawn and since it has not been done, the first petitioner has filed W.P.No.22280 of 2015 before this Court and the same has been disposed of certain directions.

4. The grievance now expressed by the petitioners is that before issuing the final seniority list and without drawing any panel, the 3rd respondent has issued the impugned urgent memo calling upon all the Block Development Officers, Thiruvarur to furnish particulars in respect of persons, who are temporarily promoted as Assistant Block Development Officers and pendency of the disciplinary proceedings and as to their eligibility by furnishing necessary service particulars.

5. Learned counsel appearing for the petitioners would submit that the petitioners are fully eligible to get promotion as Assistant Block Development Officers and because of the memo, their promotion is getting late and it would be suffice to direct the Block Development Officer, Thiruavaur District to complete the exercise in terms of the urgent memo dated 20.07.2015 issued by the 3rd respondent within a stipulated time.

6. Heard the Submissions of Mr.P.Thiagarajan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents.

7. This Court, in the light of the submission made by the learned counsel appearing for the petitioners and without going into the merits of the claim projected by the petitioners, directs the 3rd respondent, District Collector, Tiruvaraur District to ensure that the Block Development Officer, Thiruvarur District complete the exercise, as called for by him in the urgent memo dated 20.07.2015,

as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and on receipt of the same, necessary steps have to be taken to consider the claim of the petitioners for promotion to the post of Assistant Block Development Officer within a further period of eight weeks thereafter.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Secretary,
Government of Tamil Nadu,
Rural Development & Panchayat
Raj Department, Fort St. George,
Chennai - 600 009
2. The Director ,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai - 15.
3. The District Collector,
Collectorate
Tiruvarur Town & District

+1cc to Mr.P.Thiagarajan, Advocate, S.R.No.47519
+1cc to the Government Pleader, S.R.No.47875

W.P.No.27628 of 2015

LRS (CO)
CA(29/09/2015)

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