

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36225 of 2015

N.Sundararajan

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development & Panchayat Raj (E2) Department
Fort St. George,
Chennai 600 009.
 2. The Director or Rural Development &
Panchayat Raj Department,
'Panchayat Building', Saidapet
Chennai 600 015.
 3. The District Collector
Rural Development
Villupuram District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in Na.Ka.No.PA3/2940/2009 dated 17.07.2013 and quash the same and direct the respondents to promote the petitioner as Assistant by including his name in the panel of Assistants for the year 1995 and grant him notional promotion at par with his junior C.R.Suresh Kumar in the cadre of Assistant, Deputy Block Development Officer and further consider his claim for promotion as Block Development Officer and promote him as Block Development Officer and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkatramani, Senior counsel
for Mr.M.Muthappan.

For Respondents : Mr. Jayaprakash Narayanan (R1 to R3)
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. According to the petitioner, he was appointed as Junior Assistant in Vridhachalam Panchayat Union on 06.01.1984 and his services were regularised on 22.09.1984. Thereafter, he was promoted as Assistant with effect from 22.06.1997 during 1998. The third respondent published the seniority list on 01.03.1994 for promotion to the post of Assistant. The further claim of the petitioner is that he passed the test for declaration of probation in the month of May 1994 and the same was recommended for regularisation and the probation was declared by the Government in G.O.Ms.No.742 RD Department dated 14.10.2008 with effect from 20.05.1994.

3. The petitioner would contend that he was promoted temporarily as Assistant on 22.07.1998 and after lapse of eight years he was reverted back to the post of Junior Assistant due to the reason that a charge memo was issued against him. By an order dated 23.02.2015 made in W.P.No.8782 of 2009, the punishment imposed on the petitioner was set aside by this Court. Hence, he made a representation to the respondents to revise the seniority of the petitioner in the cadre of an Assistant as well as Deputy BDO and the further promotion as BDO on 23.03.2015. The third respondent made recommendation to the 2nd respondent on 17.04.2015 for revision of seniority based on the High Court order dated 23.02.2015 and the representation of the petitioner dated 31.07.2015 to refix the seniority date was not considered by the respondents. Hence, the present Writ Petition has been filed.

4. Heard the submissions of Mr.K.Venkatramani, learned senior counsel appearing for the petitioner and Mr.Jayaprakash Narayanan learned Special Government Pleader who accepts notice on behalf of the respondents.

5. The Learned Senior Counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the Respondents to consider the representation of the petitioner.

6. Though the petitioner prayed for a larger relief, this Court taking into consideration the submissions of the Learned Senior counsel, directs the ***3rd respondent** to consider and dispose of the representation of the petitioner dated 31.07.2015 on merits and in accordance with law, and pass orders within a period of ***four** weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

7. The writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.
Arr

Sd/-
Assistant Registrar (C.O)
Dated: 24/11/2015

***Para 6 corrected as per the order
of this Court dated 30.11.2015
and made herein.
Sd/-Assistant Registrar(CS-III)
Dated 07.12.2015**

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
Rural Development & Panchayat Raj
(E2) Department
Fort St. George,
Chennai 600 009. To be substituted for
the order already despatched
on 26/11/2015.
2. The Director or Rural Development &
Panchayat Raj Department,
'Panchayat Building', Saidapet
Chennai 600 015.
3. The District Collector
Rural Development
Villupuram District.

+1 C.C. To MR.M.Muthappan, Advocate in SR.NO.62120

+1 C.C. To Government Pleader in SR.NO.61993

WEB COPY

W.P.No.36225 of 2015

TM(CO)
sd : 24/11/2015

CO-SVI
JD-07/12/2015