

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.38779 of 2015
and MP.No.1 of 2015

V.Shanmugam

.. Petitioner

Vs.

1.The Special Commissioner/
Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St.George, Chennai-9.

2.The District Collector
Dharmapuri District,
Dharmapuri

3.S.Palani
Deputy Block Development Officer (project)
Nallampalli Panchayat Union
Dharmapuri District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent herein to revise the seniority of the petitioner in the post of Assistant on par with the petitioner's immediate junior, the third respondent herein by taking into consideration of the fact that the petitioner's services were regularised with effect from 27.12.1995 vide GO.Ms.No.66, dated 12.05.2008 and the petitioner's probation was declared vide GO.Ms.No.641, Rural Development and Panchayat Raj Department, dated 28.08.2008 with effect from 31.05.2002 and accordingly further direct the second respondent to consequently promote the petitioner to the post of Deputy Block Development Officer on par with his immediate junior, the third respondent herein and to fix the seniority of the petitioner just above his immediate junior the third respondent herein.

For Petitioner : M/s.Dakshayani Reddy.

For respondents : Mr.N.Srinivasan, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The case of the petitioner is that he was originally appointed as Section Writer in the Land Records and Survey Department with effect from 23.12.1983. Subsequently, he was absorbed to the post of Junior Assistant with effect from 27.12.1995, under the control of the second respondent. The next avenue for promotion is to the post of Assistant.

3.The petitioner would further state that though the probation of the petitioner was declared with effect from 31.05.2002, but the order to that effect was passed only on 28.08.2008 vide GO.Ms.No.641. In the meanwhile, the juniors of the petitioner's were promoted to the post of Assistant, so the petitioner made an objection before the second respondent on 21.03.2013 and gave representations dated 09.06.2014 and 30.11.2015 to refix his seniority. Since, it was not considered the petitioner has come forward with the present writ petition.

4.Heard the submissions of M/s.Dakshayani Reddy, learned counsel appearing for the petitioner and Mr.N.Srinivasan, Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the case, directs the second respondent to consider and dispose of the petitioner's representation dated 09.06.2014 and 30.11.2015 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till then, one post of Deputy Block Development Officer shall be kept vacant and it is made clear that keeping one post of Deputy Block Development Officer vacant is subject to the disposal of the above said representations.

6.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Special Commissioner/Secretary to Government
Rural Development and Panchayat Raj Department
Fort St.George, Chennai-9.

2.The District Collector
Dharmapuri District,
Dharmapuri.

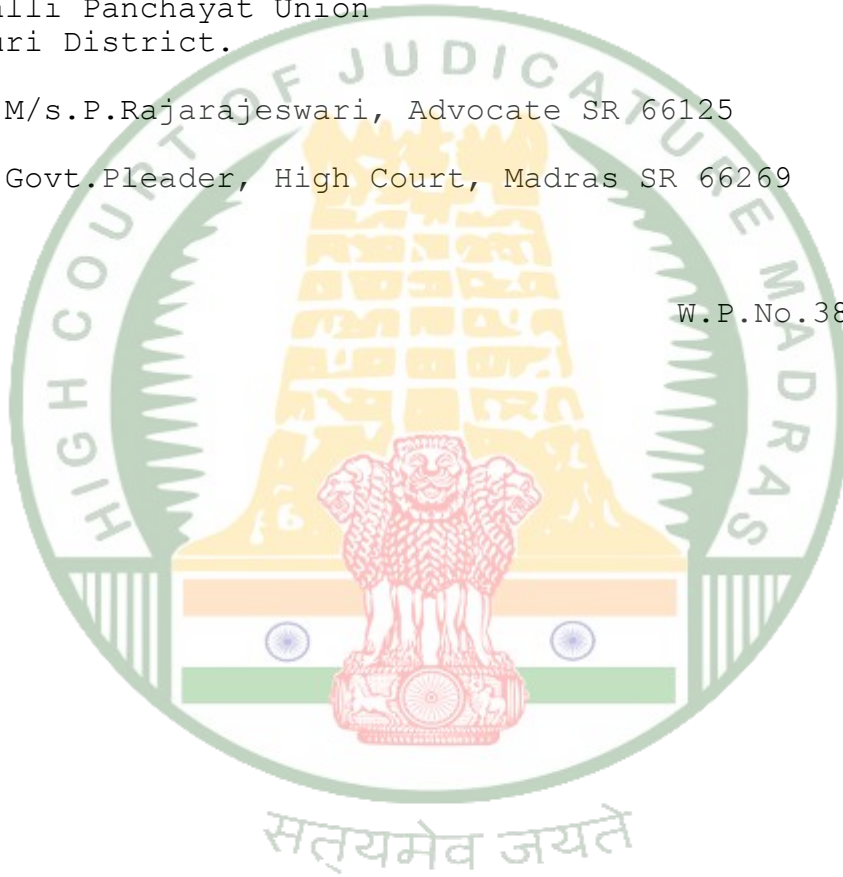
3.S.Palani
Deputy Block Development Officer (project)
Nallampalli Panchayat Union
Dharmapuri District.

+ 1 cc to M/s.P.Rajarajeswari, Advocate SR 66125

+ 1 cc to Govt.Pleader, High Court, Madras SR 66269

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