



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) Nos.15484 to 15486 of 2015
and M.P. (MD) Nos. 1, 1 and 1 of 2015

In W.P. (MD) No.15484 of 2015:

M.Neela Gomathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 09.

2.The Director of Rural Development,
Panagal Building Saidapet,
Chennai - 600 015.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

.. Respondents

In W.P. (MD) No.15485 of 2015:

K.Saroja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 09.

2.The Director of Rural Development,
Panagal Building Saidapet,
Chennai - 600 015.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

.. Respondents



In W.P. (MD) No.15486 of 2015:

T.V.Rohini

... Petitioner

WEB COPY

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 09.

2.The Director of Rural Development,
Panagal Building Saidapet,
Chennai - 600 015.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

.. Respondents

PRAYER in 15484 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the second respondent in Na.K.No.69326/2013/C3 dated 12.05.2015 and quash the same and consequently direct the respondents to promote the petitioner to the post of Deputy Block Development Officer based on the Seniority fixed by the District Collector in the cadre of Assistant retrospectively from the date on which the petitioner's Juniors were promoted, without insisting for service qualification with all consequential benefits such as arrears of pay, re-fixation of pay, seniority etc., in the light of G.O.(Ms.) No.166, Rural Development and Panchayat (E6) Department dated 22.11.2006 in pursuant to the order passed by this Court in W.P.No.20305 of 2006 and to pass any further or other order as this Court may deem fit and proper in the circumstances of the case.

PRAYER in 15485 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the second respondent in Na.K.No.69326/2013/C3 dated 12.05.2015 and quash the same and consequently direct the respondents to promote the petitioner to the post of Deputy Block Development Officer and Block Development Officer based on the Seniority fixed by the District Collector in the cadre of Assistant retrospectively from the date on which the petitioner's Juniors were promoted, without insisting for service qualification with all consequential benefits such as arrears of pay, re-fixation of pay, seniority etc., in the light of G.O.(Ms.) No.166, Rural Development and Panchayat (E6) Department dated 22.11.2006 in pursuant to the order passed by this Court in



W.P.No.20305 of 2006 and to pass any further or other order as this Court may deem fit and proper in the circumstances of the case.

PRAYER in 15486 of 2015: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the second respondent in Na.K.No.69326/2013/C3 dated 12.05.2015 and quash the same and consequently direct the respondents to promote the petitioner to the post of Deputy Block Development Officer and Block Development Officer based on the Seniority fixed by the District Collector in the cadre of Assistant retrospectively from the date on which the petitioner's Juniors were promoted, without insisting for service qualification with all consequential benefits such as arrears of pay, re-fixation of pay, seniority etc., in the light of G.O.(Ms.) No.166, Rural Development and Panchayat (E6) Department dated 22.11.2006 in pursuant to the order passed by this Court in W.P.No.20305 of 2006 and to pass any further or other order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner ... Mr.M.Saravanakumar
For Respondents ... Mr.S.Satheesh kumar
Additional Government Pleader

COMMON ORDER

The Writ Petitions have been filed seeking to quash the impugned order passed by the second respondent in Na.Ka.No.69326/2013/C3 dated 12.05.2015 and consequential direction to the respondents to promote the petitioners to the post of Deputy Block Development Officer and Block Development Officer.

2. By consent, this Writ Petition is taken up for hearing at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents, who takes notice for the respondents.

4. The learned counsel for the petitioners would submit that the petitioners were appointed as Steno Typist in Rural Development Department through TamilNadu Public Service Commission on 01.04.1992, 22.02.1993 and 01.04.1992 respectively. According to the learned counsel for the petitioners, after regularized from the date of initial appointment, probation was also declared by the competent authority. Thereafter, the petitioners were converted as Assistants on 08.03.2002, 04.03.2005 and 01.04.2003



respectively. Later on, the petitioners were posted as Rural Welfare Officer Grade-I on 25.07.2008, 04.11.2009 and 25.07.2008 respectively. Again, they were promoted as Deputy Block Development Officer on 20.08.2010, 12.05.2012 and 27.03.2013 respectively. When the petitioners were working as the Deputy Block Development Officer in Pappakudi Panchayat Union and Manur Panchayat Union, Tirunelveli District on the basis of the letter issued by the Government of Tamilnadu to the Commissioner of Rural Development Panchayatraj in Letter No.23222/E7/2011-3 dated 22.12.2011, the District Collector, Tirunelveli re-fixed the seniority in the cadre of Assistant by taking into account of date of joining in the post of Assistant in Seniority No.456(A), 456(B) and 487(A) respectively.

5. In this background, the grievance of the petitioners is that they were not posted as Rural Welfare Officer Grade -I for a period of one year. This has been supported by the communication issued by the District Collector in Na.Ka.q2/2362/2012, dated 07.05.2015 making it clear that only due to the administrative reason the petitioners were not posted as Rural Welfare Officer Grade-I and however, the petitioners have completed the period of one year. Therefore, the claim of the petitioner is that the petitioner has already completed one year period of service as Rural Welfare Officer Grade - I after prescribed period and the petitioners have also filed an appeal before the first respondent. During the pendency of the appeal before the first respondent the impugned order ought not to have been passed by the second respondent.

6. In the above circumstances, the learned counsel for the petitioners submitted that the petitioners have sought for a direction to dispose of the pending appeal on the file of the first respondent without being influenced by the impugned order, as the Appellate Authority has to deal with the appeal independently on merits and in accordance with law.

7. This Court finds merits in the request made by the learned counsel for the petitioners. The second respondent has passed the impugned order as against which the petitioner has come to this Court with the grievance that the petitioners have already filed an appeal before the first respondent and the same is pending. The second respondent without making any reference in the proposal made by the District Collector has wrongly rejected the case of the petitioner.

8. In the circumstances, this Court is inclined to direct the first respondent to consider the case of the petitioner and pass orders on merits within a period of three months from the date of receipt of a copy of this order.



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9. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected M.P.s are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Rural Development Department,
Fort St.George, Chennai - 09.

2.The Director of Rural Development,
Panagal Building Saidapet,
Chennai - 600 015.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

+3cc to Mr.M.Saravanakumar,Advocate Sr.No.49496
+1cc to Spl.Government pleader Sr.No.50046
ses
AA/AAL-MPA/07.10.2015/5p-8c

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