

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.10784 of 2016

M.Tamil Kodi

.. Petitioner

-Vs-

1.Government of Tamil Nadu,
represented by its Secretary to Govt.,
Rural Development and
Panchayat Department,
Fort St. George,
Chennai-600 009.

2.The Director,
Rural Development and
Panchayat Department,
Office at Saidapet,
Chennai 600 005.

3.The District Collector,
Nagapattinam District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to confer notional promotion to the petitioner as Executive Officer with effect from 31.12.2003; Deputy Block Development Officer from 11.04.2008 and as Block Development Officer from 11.05.2012 on par with her junior as per the recommendation made by the third respondent in his proceedings Na.Ka.No.5083/P.D./4/2015 dated 30.12.2015 sent through the second respondent and in the light of the order passed by the Government in G.O. (2pa) No.7, Rural Development and Panchayat Department dated 30.01.2012 and G.O. (pa) No.20, Rural Development and Panchayat Department dated 17.01.2014 within a time limit to be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr. A.Kumar,
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner, seeking a direction to the first respondent to confer notional promotion to her as Executive Officer with effect from 31.12.2003; Deputy Block Development Officer from 11.04.2008 and as Block Development Officer from 11.05.2012 on par with her junior as per the recommendation made by the third respondent in his proceedings Na.Ka.No.5083/P.D./4/2015 dated 30.12.2015, sent through the second respondent and in the light of the order passed by the Government in G.O. (2pa) No.7, Rural Development and Panchayat Department dated 30.01.2012 and G.O. (pa) No.20, Rural Development and Panchayat Department dated 17.01.2014.

2.The grievance of the petitioner is that she was appointed as Junior Assistant on 01.02.1995. However, her junior one Vijaya Kumar has joined the same post on 29.03.1995. Though as per the seniority list, her junior name was included in serial No.183 and her name was included in Serial No.176, her junior was given promotion to the post of Block Development Officer on 11.05.2012. In this regard, the petitioner made a representation dated 07.09.2015, requesting the respondents to confer notional promotion on par with her junior N.Vijaya Kumar in the cadre of Assistant, Executive Officer, Deputy Block Development Officer and promotion to the post of Block Development Officer. In response to the petitioner's representation dated 07.09.2015, the third respondent revised the seniority list in the cadre of Assistant by placing the petitioner in Serial No.6 and her junior namely Vijaya Kumar in Serial No.6(a). However, as far as notional promotion to the post of Executive Officer, Deputy Block Development Officer and Block Development Officer are concerned, the third respondent sent a proposal to the Government. Therefore, the petitioner made a representation dated 10.02.2016 to the Government, requesting to pass appropriate orders for conferment of notional promotion on par with her junior in the cadre of Executive Officer, Deputy Block Development Officer and Block Development Officer. As no order has been passed till date, she is before this Court.

3.Heard the learned counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who takes notice on behalf of the respondents.

4.Since the proposal sent by the third respondent through the second respondent is pending on the file of the first respondent, the same requires to be considered expeditiously. Therefore, the first respondent is directed to consider the petitioner's representation dated 10.02.2016 and pass orders, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

vga

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Govt.,
Government of Tamil Nadu,
Rural Development and
Panchayat Department,
Fort St. George,
Chennai-600 009.

2.The Director,
Rural Development and
Panchayat Department,
Office at Saidapet,
Chennai 600 005.

3.The District Collector,
Nagapattinam District.

+ 1 cc to Mr.S.Mani, Advocate Sr 18596

+ 1 cc to The Govt.Pleader, Sr 18697

KR/12/4/16

सत्यमेव जयते

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