

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.1762 of 2015
and
MP.No.1 of 2015

- 1.The Government of Tamil Nadu
rep. by its Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai- 600 009.
- 2.The Commissioner of Rural Development
and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai- 600 015.
- 3.The District Collector (PD Section)
Nagapattinam District,
Nagapattinam. Appellants /Respondents

vs.

T.Kaliarajan Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.07.2014 made in W.P.No.25256 of 2012 passed by the learned Single Judge of this Court.

Writ Petition filed Under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records pertaining to G.O.(3D) No.43 Rural Development and Panchayat Raj E-3 Department dated 9.12.2011 of the first respondent and quash the same in so far it relates to fixing of Seniority of the petitioners by placing them in the bottom most in the Seniority List of Assistant as on 9.12.2011 and further direct the respondents to reckon the seniority in the cadre of Assistant from 1.5.2001 the date of posting the petitioner as Assistant with all consequential benefits such as retrospective promotion pay benefits etc.

For Appellants : Mrs.A.Srijayanthi, SGP

For Respondent : Mr.G.Arul Murugan

JUDGMENT

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This Writ Appeal is filed by the State, challenging the order passed by the learned Single Judge in the writ petition filed by the respondent, questioning the fixation of seniority and for a further direction to reckon his seniority in the cadre of Assistant from the date of his initial appointment and for retrospective promotion and other benefits.

2. In the impugned order, the learned Single Judge has granted the relief of absorption in the Post of Assistant with effect from the date on which the respondent joined the post and to release the benefits accrued on such absorption to him. With regard to the relief of promotion etc., the learned Single Judge has only directed the appellants to consider the case of the respondent based on the service rules or guidelines applicable and on fulfillment of the norms laid down by the Government in this regard.

3. When the matter came up for hearing, learned Special Government Pleader appearing for the Appellants fairly submits that the issue involved herein is covered by the earlier order of this Court dated 23.06.2016 made in W.A.No.736 of 2016, which was decided against the appellants -State.

4. Following the same, this writ appeal is dismissed, with a direction to the appellants to do the needful in accordance with law within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Rural Development
and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai- 600 015.

3.The District Collector (PD Section)
Nagapattinam District,
Nagapattinam.
Rural Development Department,
Fort St. George,
Chennai- 600 009.

+1cc to M/S.G.ArulMurugan, Advocate SR.45272
+1cc to the Government Pleader Sr.46153

W.A.No.1762 of 2015

ug[col]
srg 30/08/2016

सत्यमेव जयते

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