

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.11513 & 11514 of 2016

and

W.M.P.Nos.9945 & 9946 of 2016

M.Pongiyannan

S/o.Marrappa Gounder

... Petitioner in
W.P.No.11513/2016

S.N.Kuppuraj

S/o.Nanjappa Chettiar

... Petitioner in
W.P.No.11514/2016

-vs-

1.State of Tamil Nadu

represented by its

Secretary to Government,

Rural Development and Panchayat

Raj Department,

Fort St.George, Chennai - 9.

2.Director,

Commissionerate of Rural Development

and Panchayat Raj,

Panagal Building, Chennai - 15.

3.District Collector,

Erode District,

Erode.

... Respondents in both W.Ps.

Prayer:

W.P.No.11513 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents herein to promote the petitioner herein notionally as Deputy Block Development Officer, Block Development Officer and then as Assistant Director on par with his junior with all monetary benefits based on the revised seniority fixed by the third respondent herein on 28.01.2013 and consequently fix last drawn pay of the petitioner herein in the post of Assistant Director and sanction difference in salary, arrears of pension

and all other consequential monetary benefits in accordance with law.

W.P.No.11514 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents 1 and 2 herein to promote the petitioner herein notionally as Deputy Block Development Officer and then Block Development Officer on par with his junior with all monetary benefits based on the revised seniority fixed by the third respondent herein on 28.01.2013 by relaxing the rule as indicated in the letter dated 16.04.2014 of the third respondent herein and consequently re-fix his pay notionally in the respective posts and his last drawn in the post of Block Development Officer and sanction difference in salary, arrears of pension and all other consequential monetary benefits in accordance with law.

For Petitioners : Mr.V.R.Rajasekaran
For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

C O M M O N O R D E R

Mr.M.Pongiyannan and Mr.S.N.KuppuraJ, the petitioners herein, joined as Agricultural Assistant in the Agricultural Department. Subsequently, they were absorbed as Gramasevak Grade II in the Coimbatore District Panchayat Development Unit. The said post was re-designated as Rural Welfare Officer Grade II. It is the grievance of the petitioners that their services as Agricultural Assistant in Agricultural Department were not taken into consideration while fixing the seniority in an equivalent post of Rural Welfare Officer Grade-II. The Honourable Division Bench of this Court, by a common order dated 19.04.2005 made in W.P.Nos.19960 to 19962 of 1998 etc., issued a direction to the respondents to revise the seniority of the petitioners viz., Village level workers absorbed as Gramasevak Grade II in the Rural Development Department by counting the services rendered by them in the Agricultural Department. Pursuant thereto, the District Collector, Coimbatore, has published a revised seniority list of Rural Welfare Officer Grade II/Junior Assistant counting the services rendered by the village level workers in Agricultural Department. Consequently, the third respondent has issued orders on 28.01.2013 revising the petitioners' seniority. The grievance of the petitioners is that the third respondent has not revised the seniority of the petitioners in the next higher post viz., Deputy Block Development Officer on the ground that they have not acquired service qualification in the post of Extension Officer

(Administration) and Extension Officer (Pachayat).

2. Mr.M.Pongiyannan, the petitioner in W.P.No.11513 of 2016, has already acquired the requisite service qualification by working as follows:

S.No	Post	Duration
1	Extension Officer (Administration)	06.07.1998 to 20.09.1999
2	Extension Officer (Adi Dravidar Welfare)	21.09.1999 to 16.10.2000
3	Extension Officer (Noon Meal)	17.10.2000 to 20.12.2001
4	Extension Officer (Panchayat)	21.12.2001 to 20.02.2003
5	Extension Officer (RLEGP)	21.02.2003 to 31.12.2003

When there is no need for relaxation in the case of Mr.M.Pongiyannan, the petitioner in W.P.No.11513 of 2016, the third respondent has sent a proposal to the respondents 1 and 2 seeking relaxation of relevant Rule prescribing service qualification. On the other hand, wherever relaxation is required, the District Collector, Coimbatore, has issued orders on 03.05.2011 granting notional promotion to the Village Level Workers served in the Coimbatore District without insisting service qualification and subsequently, the same was ratified by the Government. Pursuant thereto, the second respondent has also issued orders on 30.01.2015 re-fixing the pay of the concerned individuals in Coimbatore District who got notional promotion based on revised seniority. It is the grievance of Mr.M.Pongiyannan, the petitioner in W.P.No.11513 of 2016, that when there is need for relaxation of Rule, he should be given notional promotion on par with his juniors based on the revised seniority fixed by the third respondent in his proceedings dated 28.01.2013 with all monetary benefits. The third respondent has sent a proposal dated 12.03.2013 to the respondents 1 and 2 seeking relaxation of relevant Rule even though the same is not required for Mr.M.Pongiyannan, the petitioner in W.P.No.11513 of 2016.

3. The case of Mr.S.N.Kuppuraj, the petitioner in W.P.No.11514 of 2016, is also similar to that of the petitioner in W.P.No.11513 of 2016. But, in the case of Mr.S.N.Kuppuraj, he requires relaxation of Rule prescribing service qualification for granting notional promotion based on the revised seniority.

4. In any event, the proposal sent by the third respondent dated 12.03.2013 is pending for the past three years. Hence, this Court directs the respondents 1 and 2 to consider the proposal sent by the third respondent and pass orders on merits and in accordance with law as early as possible, preferably,

within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm

To

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 9.
- 2.The Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai - 15.
- 3.The District Collector,
Erode District,
Erode.

+2 ccs to Mr.V.R.Rajasekaran Advocate sr.19423
+1 cc to the Government Pleader sr.19717

W.P.Nos.11513 and 11514 of 2016

kk(co)
aa11/05/2016

WEB COPY