

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

WP.No.23578 of 2016
and W.M.P.Nos. 20201 and 20202 of 2016

1.S.Mythili
2.E.Ezhilarasi
3.N.Packirisamy
4.A.Sambandam
5.R.Anbazhagan ... Petitioners

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government
Rural Development & Panchayat
Raj Department
Secretariat, Fort St.George
Chennai-600 009.
2.The Director of Rural Development
& Panchayat Raj
Panagal Building, Saidapet
Chennai-600 015.
3.The District Collector
Nagapattinam District
Nagapattinam. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to pass orders for revision of seniority of the petitioners in the post of Assistant by taking into consideration of the date of appointment to the post of Junior Assistant as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rules without reference to date of declaration of probation and consequently, to consider the petitioners for promotion to the post of Deputy Block Development Officer on that basis, by considering the representation submitted by the petitioners, dated 24.03.2016, within a time frame to be fixed by this Court and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioners: Mr.G.Sankaran

For Respondents: Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of in the admission stage itself.

2. The petitioners were appointed as Junior Assistant, through Tamil Nadu Public Service Commission, and allotted to Rural Development Department, Nagapattinam District and they joined service on various dates in the year 2009 and 2010. The grievance of the petitioners is that they were not sent for Foundational Training within the probation period, thereby, the date of declaration of probation for the petitioners was postponed, due to which, they were deprived of their seniority in the post of Assistant as well as consequential promotion to the post of Deputy Block Development Officer and hence, they have come forward with this Writ Petition, seeking to direct the respondents to pass orders for revision of seniority of the petitioners in the post of Assistant by taking into consideration of the date of appointment to the post of Junior Assistant as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rules without reference to date of declaration of probation and consequently, to consider the petitioners for promotion to the post of Deputy Block Development Officer, by considering their representation, dated 24.03.2016.

3. After elaborate arguments, Mr.G.Sankaran, the learned counsel for the petitioners would submit that the petitioners are restricting their relief and they would be satisfied, if the 3rd respondent is directed to consider and dispose of the representation of the petitioners, dated 24.03.2016, as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rules.

4. Mr.S.Gunasekaran, the learned Additional Government Pleader, who takes notice on behalf of the respondents would submit that the 3rd respondent has no objection in considering the representation submitted by the petitioners in accordance with law.

5. Considering the fact that the petitioners have restricted the relief sought for by them, this Court, without going into the merits of the claim made by the petitioners, directs the 3rd respondent to consider the representation of the petitioners, dated 24.03.2016, and pass appropriate orders, on merits and as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rules, as expeditiously as possible, preferably within a period of eight weeks from the

date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The Secretary to Government
The State of Tamil Nadu
Rural Development & Panchayat Raj Department
Secretariat, Fort St.George
Chennai-600 009.
- 2.The Director of Rural Development & Panchayat Raj
Panagal Building, Saidapet
Chennai-600 015.
- 3.The District Collector
Nagapattinam District
Nagapattinam.

+1cc to M/s. G.Sankaran, Advocate, S.R.No.38358
+1cc to the Government Pleader, S.R.No.38537

RSI (CO)
EU(04/08/2016)

W.P.No.23578 of 2016