

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.2496 of 2016 &
W.M.P.Nos.2128 & 2129 of 2016

Subramaniam .. Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary,
Rural Development and Panchayat
Raj Department, Fort St.George,
Chennai - 600 009.

2.The District Collector,
Dharmapuri District. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to consider the objections given by the petitioner vide letter dated 02.12.2015 and 04.12.2015 to the proceedings of the second respondent Na.Ka.No.9809/2015/K2 dated 25.11.2015 in the light of the orders passed by this Court in W.P.No.16697 of 2007 dated 12.10.2011 reported in 2012 [1] MLJ 634 and as confirmed by the Hon'ble Division Bench in W.A.No.391 of 2012 dated 28.10.2014 and consequently direct the second respondent to include the name of the petitioner in the seniority list for promotion to the post of Deputy Block Development Officer.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that originally he was appointed to the post of Junior Assistant in the Rural Development Department at Madurai with effect from

06.02.1996. Thereafter, he was transferred to Dharmapuri District from 16.11.2004. Petitioner was promoted to the post of Assistant in the year 2008. According to the petitioner, as per Rule 20[b][i] of the Tamil Nadu Ministerial Service Rules, in the case of mutual transfer, the petitioner's seniority in Dharmapuri District has to be reckoned. Since relevant rule was not considered, he has filed a Writ Petition in W.P.No.5283 of 2013 and the same is pending adjudication.

3. Petitioner would further state that the respondents had preferred a panel for promotion to the post of Deputy Block Development Officer, however, his name was left out, since he lacks 54 days of service in the post of Rural Welfare Officer Grade-I. Aggrieved over the same, the petitioner made objections/appeals dated 02.12.2015 and 04.12.2015 to the respondents. Since no order has been passed, the present Writ Petition has been filed.

4. Heard the submissions of M/s. Dakshayani Reddy, learned counsel appearing for the petitioner and Mr. S. Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

5. Learned counsel appearing for the petitioner submitted that the issue involved in this Writ Petition is squarely covered by the decisions of this Court in W.P.No.16697 of 2007 dated 12.10.2011 and W.A.No.391 of 2012 dated 28.10.2014 and the objections/appeals filed by the petitioner dated 02.12.2015 and 04.12.2015 may be considered in the light of the orders passed by this Court.

6. Though, the petitioner prayed for a larger relief, this Court, taking into consideration the facts of this case and without going into the merits of the same, directs the second respondent to consider the objections / appeals filed by the petitioner dated 02.12.2015 and 04.12.2015 and pass orders, on merits and in accordance with law, by taking into consideration the judgments referred supra, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition are closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sri

To

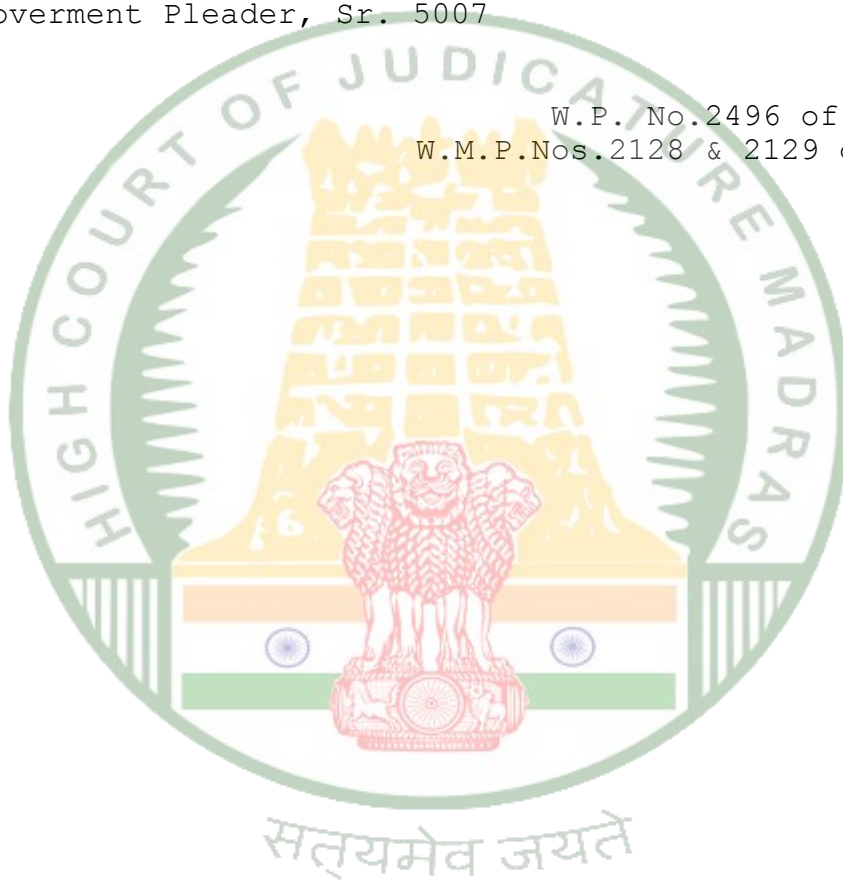
1.The Secretary to Government
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2.The District Collector,
Dharmapuri District.

1 cc to Goverment Pleader, Sr. 5007

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