

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2016

CORAM

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

W.A.No.736 of 2016

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)
Tiruvarur District, Tiruvarur ... Appellants/Respondent

-vs-

N.Sivaprakasam ... Respondent/Respondent

Appeal under Clause 15 of the Letters Patent, against the order dated 09.07.2014 made in W.P.No.25257 of 2012.

Writ petition filed u/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 as it relates to fixing of Seniority of the petitioner by placing him 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
Special Government Pleader

For Respondent :: Mr.V.Suthakar

JUDGMENT

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

Heard the learned Special Government Pleader for the appellants and so also the learned counsel representing the respondent.

2. It appears that the respondent had filed the writ petition 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 which flows from such absorption. Although 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. Such being the case, there is no question of contending that an adverse order is being passed against the Government. Rather the officers, who are responsible, have to take note of the direction of the learned single Judge in proper perspective for considering the case of the respondent for promotion as to whether he satisfies the criteria or condition required thereof and to do the needful in accordance with law. Such being the case, the appeal being redundant and without merit is dismissed. It is for 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. Consequently, C.M.P.No.9500 of 2016 is also dismissed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
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3. The District Collector (PD Section)
Tiruvarur District, Tiruvarur.

+1 cc to Mr.V.Suthakar, Advocate,SR.35517

+1 cc to Government Pleader,SR.35295.

ctk(co)
krd 13/7

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