

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.310 of 2016
and W.M.P.No.206 of 2016

G.Gobinath

.. Petitioner

.Vs.

- 1.The Special Commissioner/
Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai 600 009.
 - 2.The District Collector,
Dharmapuri District,
Dharmapuri.
 - 3.The Personal Assistant to District Collector (Development),
Dharmapuri District,
Dharmapuri.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to grant the petitioner with promotion to the post of Assistant on par with the petitioner's immediate Junior by taking into consideration of the fact that the petitioner's service was regularized with effect from the initial date of appointment i.e. 14.01.1999 vide vide G.O.Ms.No.74, Rural Development and Panchayat Raj (E3) Department, dated 04.11.2010 and that the petitioner's probation was declared vide proceedings of the third respondent in Na.Ka.No.41635/2010/K3 dated 20.05.2011 with effect from 28.01.2001 afternoon and accordingly further direct the respondents to consequentially promote the petitioner to the post of Deputy Block Development Officer on par with the petitioner's immediate junior and to fix the seniority of the petitioner just above his immediate junior and further fix the pay and allowances on par with his immediate junior.

For petit : Ms.Dakshayani Reddy

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader.

O R D E R

With the consent of both sides, the Writ petition is taken up for final disposal.

2.The case of the petitioner is that he was originally appointed as Junior Assistant in the Block Development Office, Dharmapuri District on 14.01.1999. Subsequently, he was promoted to the post of Assistant with effect from 14.10.2003, under the control of the third respondent. The next avenue for promotion is to the post of Block Development Officer.

3. The petitioner would further state that though the probation of the petitioner was declared with effect from 28.01.2001, but the order to that effect was passed only on 20.05.2011 vide proceedings of the third respondent in Na.Ka.No.41635/2010/K3. In the meanwhile, the junior of the petitioner's was granted to the post of Junior Assistant, so the petitioner made a representation to refix his seniority. Since it was not considered, the petitioner has come forward with the present writ petition.

4. Heard the submissions of Ms.Dakshayani Reddy, learned counsel appearing for the petitioner and Mr. Mr.V.Jayaprakash Narayanan, learned Spl.Govt.Pleader, who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the case, directs the third respondent to consider and dispose of the petitioner's representation dated 14.12.2015 and pass orders on merits and in accordance with law, 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 and till then, one post of Deputy Development Officer shall be kept vacant and it is made clear that keeping one post of Deputy Block Development Officer vacant is subject to the disposal of the representation.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Special Commissioner/
Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai 600 009.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

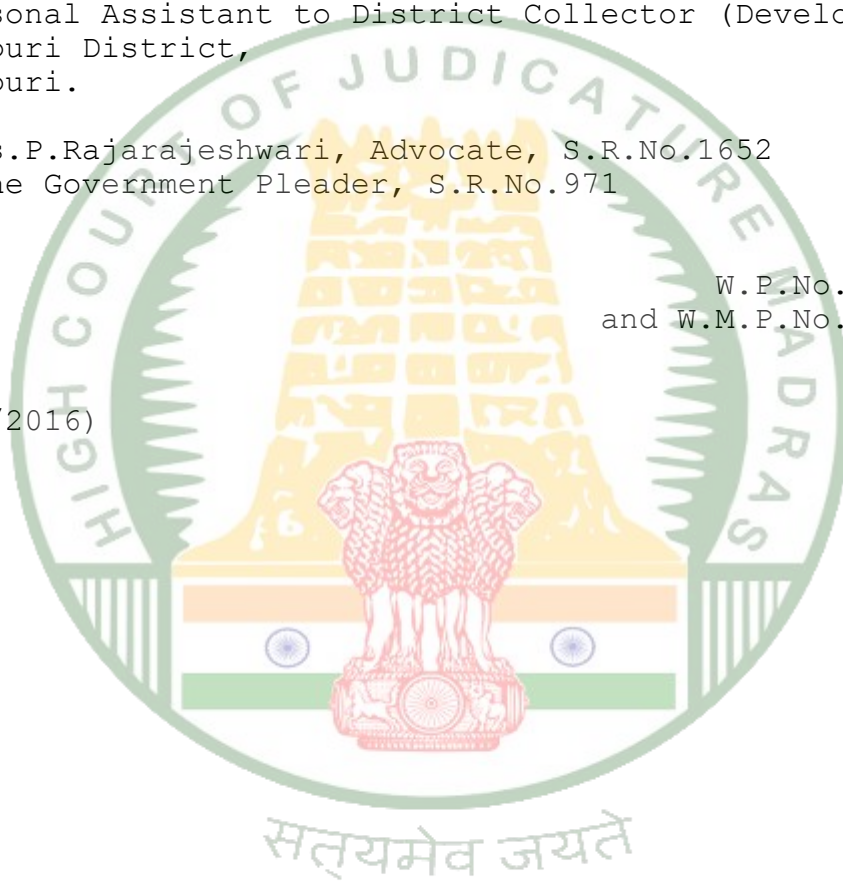
3.The Personal Assistant to District Collector (Development),
Dharmapuri District,
Dharmapuri.

+1cc to Ms.P.Rajarajeshwari, Advocate, S.R.No.1652

+1cc to the Government Pleader, S.R.No.971

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sld(CO)
srg(21/01/2016)



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