

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.25892 of 2004

P. Muthuraj

... Petitioner

Vs.

The District Collector,
Coimbatore District,
Coimbatore.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent herein to reckon the seniority of the petitioner in the category of RWO Gr.I/Assistant by taking into account the date of promotion of the petitioner as Assistant/RWO.Gr.I viz., 05.02.1980 in the seniority list issued by the respondent in RC.No.151966/95/K3 dated 21.07.1999 with all consequential benefits such as refixation of seniority in the higher cadre viz., Extension officer, Deputy Block Development officer and Block Development Officer.

For Petitioner : Mr. V.Suthakar

For Respondents : Mr. V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The prayer in the writ petition is for writ of mandamus directing the respondent herein to reckon the seniority of the petitioner in the category of RWO Gr.I/Assistant by taking into account the date of promotion of the petitioner as Assistant/RWO.Gr.I viz., 05.02.1980 in the seniority list issued by the respondent in RC.No.151966/95/K3 dated 21.07.1999 with all consequential benefits such as refixation of seniority in the higher cadre viz., Extension officer, Deputy Block Development officer and Block Development Officer.

2. The case of the petitioner is that he was working as Block Development Officer at Pollachi (North) Panchayat Union, Coimbatore District and initially he was appointed as cashier

with effect from 19.12.1966. The next avenue of promotion to the post of Junior Assistant is that of Assistant. Since he possessed the required qualification, he was promoted as RWO Grade I and thereafter, at the time of filing this writ petition, he was working as the Block Development Officer.

3. The petitioner's present grievance is that in the seniority list issued by the respondent department in the year 1983, some of his juniors were included as senior to the petitioner and the petitioner seeking to revise the said seniority list, made an appeal to the respondent as well as to the Director of Rural Development, Chennai on 20.09.1999. At the time of making such representation, the petitioner was having three years of service to attain his age of superannuation. In spite of the said factors as well as the appeal filed by the petitioner as stated above, nothing was forth coming and no order was passed for fixing the seniority of the petitioner. Aggrieved by the same, the petitioner has come out with the present writ petition.

4. Heard both sides.

5. Though the petitioner has sought for such a larger relief as mentioned in the prayer column, at the time of argument the learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the respondent to consider the representation of the petitioner dated 20.09.1999 within a time frame.

6. The learned Special Government Pleader appearing for the respondent submits that considering the petitioner's representation dated 20th September 1999, orders have been passed by respondent and the appeal filed by the petitioner was also disposed of on merits. However, there is no proof to show that the appeal was disposed and order were passed in the petitioner's representation.

7. In this circumstances, this Court is of the view that a direction could be given to the respondent for redressal of the grievances of the petitioner. Hence there shall be a direction to the respondent to take up the petitioner's appeal dated 20.09.1999 and decide the same on merits and in accordance with law, if it is not disposed of, within a period of 3 months from the date of receipt of copy of the said appeal filed by the petitioner once again along with a copy of this order. Further, the petitioner is permitted to file a copy of his representation dated 20.09.1999 along with a copy of this order to the respondent within two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondent is directed to consider the said representation and pass

appropriate order on merits and in accordance with law, if it is not still disposed of.

8. With these observations and directions the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar
rts

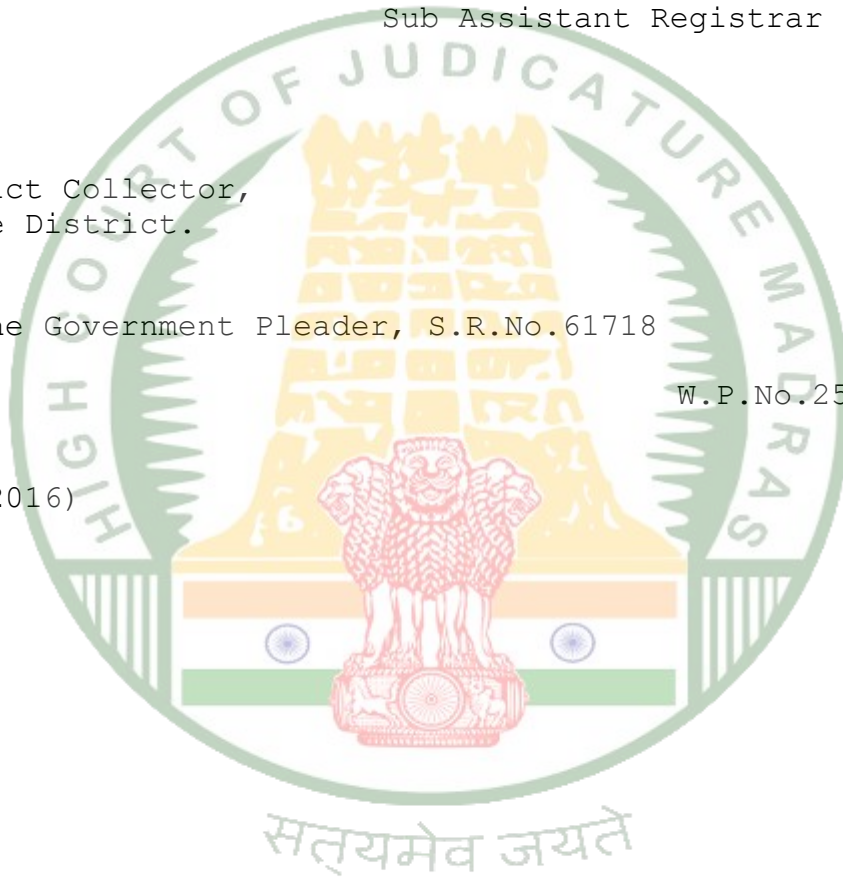
To

The District Collector,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.61718

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EV(CO)
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