



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 04.01.2016  
CORAM :

**THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN**  
**and**  
**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

Writ Appeal (MD) No.1445 of 2015

M.Karuppasamy ... Appellant

Vs.

1.The Director of Rural Development,  
Panagal Buildings, Saidapet, Chennai 600 015.

2.The District Collector,  
Tuticorin District,  
Tuticorin.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 03.10.2012 made in W.P.(MD)No.11524 of 2012.

**Prayer in WP(MD)No.11524/2012:-**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order issued by the 2nd respondent in Na.Ka.No.Va.14/26856/2011 dated 24.07.2012 and quash the same and in consequence direct the 2nd respondent to give promotion and its monitory benefits to the petitioner while regularizing his service.

For Appellant : Mr.G.Gomathi Sankar

For Respondents : Mr.A.K.Baskarapandian,  
Special Government Pleader takes Notice

**JUDGMENT**

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN, J)

Aggrieved by the dismissal of a writ petition seeking promotion to the next higher post, the writ petitioner has come up with the above writ appeal.

2.Heard Mr.G.Gomathi Sankar, learned counsel for the appellant. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The appellant was originally appointed as a Record Clerk in a Panchayat Union and was later promoted as Junior Assistant in 1962. His services were terminated on 08.05.1964 for



unauthorized absence. The appellant filed an appeal before the Director of Rural Development. Pending appeal he directed the appellant to be reinstated. Accordingly, he was reinstated. Eventually, the appeal was allowed and the order of termination was set aside. Therefore, he joined duty in the post of Junior Assistant.

4. Thereafter, he filed an application for regularisation of his period of absence. But disciplinary proceedings were initiated against the appellant for his unauthorized absence by serving a charge memo on 27.02.1989. This charge memo resulted in a penalty of stoppage of increment for one year without cumulative effect.

5. The order of penalty was challenged by the appellant before the Tamil Nadu Administrative Tribunal. The application filed before the Tribunal was transferred to this Court after the abolition of the Tribunal. The transferred application renumbered as W.P.No.40847 of 2006 was allowed and the order of penalty was set aside. In the meantime, the appellant attained superannuation on 30.04.1999. After retirement, the appellant filed yet another application for treating the period from 1964 to 1972 as duty period. This application also got transferred to this Court and renumbered as W.P.No.46033 of 2006. It was allowed by this Court directing the respondents to treat the said period as duty period.

6. Thereafter, a third round of litigation was attempted to be started in the year 2012. Fortunately, it was nipped in the bud by the learned Judge by dismissing it at the admission stage by an order dated 03.10.2012. Against the said order, the appellant is before us.

7. The appellant retired about 16 years ago. From the period of his appointment in 1960 or so up to the date of his retirement in 1990 or so, there has been at least three rounds of litigation. Promotion to the post of Assistant is not automatic. The appellant did not seek or get such a relief in the previous round of litigation. Therefore, the learned Judge was right in rejecting the claim. We see no reason to interfere with the said order. Hence, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of Rural Development,

Panagal Buildings, Saidapet, Chennai 600 015.

2. The District Collector, Tuticorin District, Tuticorin.

+One cc to M/s.G.Gomathi Shankar, Advocate, SR.No.274

+One cc to The Special Government Pleader, SR.No.446

sms

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