



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20059 of 2016

S.Priyatharsini

: Petitioner

Vs.

1.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Block Development Officer,
(Union Office),
Panchayat Union, Kalayarkovil,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 08.09.2016 within a time frame fixed by this Court.

For Petitioner : Mr.R.Vijayakumar

For Respondents 1 and 2: Mr.M.Murugan,
Government Advocate.

For Respondent No.3 : Mr.T.R.Janarthanan,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 08.09.2016.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate, who took notice for the respondents 1 and 2 and the learned Additional Government Pleader, who took notice for the third respondent. By consent, the writ petition

itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner was selected through TNPSC Group IV Examination and appointed as Steno Typist Grade III on 30.06.2009 in the Development Section of the second respondent office. He joined on 03.07.2009 and his service was regularized w.e.f. 03.07.2009 and probation was declared on 23.12.2011 w.e.f. 13.07.2011. Thereafter, at her request, the post was converted into the post of Assistant and posted in District Rural Development Agency, Sivagangai. The second respondent has fixed his seniority on the basis of date of his appointment as Assistant. Therefore, she sent a representation dated 08.09.2016 praying to fix her seniority w.e.f. 03.07.2009. But, the same was considered so far. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that the claim of the petitioner is squarely covered by G.O(Ms)No.34, dated 21.02.2001, G.O.(Ms)No.122, dated 02.09.2015 and G.O(Ms)No.163 dated 19.11.2010 and it would suffice if the representation of the petitioner is considered in terms of the above said G.Os.

5.The learned counsel for the petitioner also brought to the notice of this Court, the order dated 26.03.2014 made in W.P(MD) No.13918 of 2010, in a case of similarly placed person, whereunder observation has been given with respect to Rule 35(b) of General Rules of Tamil Nadu State and Subordinate Services and there was a direction to consider the case of the petitioner therein, within a period of six weeks from the date of receipt of the order.

6.Heard the learned Government Advocate for the respondents 1 and 2 and the learned Additional Government Pleader for the third respondent.

7.Following the order passed in W.P(MD)No.13918 of 2010, the second respondent is directed to consider the representation of the petitioner dated 08.09.2016, in the light of G.O(Ms)No.34, dated 21.02.2001, G.O.(Ms)No.122, dated 02.09.2015 and G.O(Ms) No.163 dated 19.11.2010 and Rule 35(b) of General Rules of Tamil Nadu State and Subordinate Services and pass orders, within a period of eight weeks, from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Record)



1.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Block Development Officer,
(Union Office),
Panchayat Union, Kalayarkovil,
Sivagangai District.

+1cc to Mr.R.Vijayakumar Advocate Sr.No. 61524

+1cc to Spl.Government Pleader Sr.No. 62307

JAM/04.11.16/DB /3p-6c

**ORDER MADE IN
W.P(MD)No.20059 of 2016**

19.10.2016