



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.21719 of 2016

M.Selvakumar

.. Petitioner

Vs.

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

2.The District Collector,
Sivagangai District,
Sivagangai.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 08.09.2016 within a time frame fixed by this Honourable court.

For Petitioner

... Mr.R.Vijayakumar

For Respondents

... Mr.A.Muthukaruppan

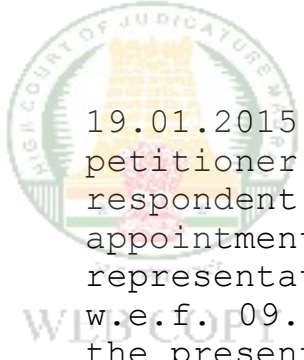
Additional Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the second respondent to consider the petitioner's representation dated 08.09.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent, the writ petition itself is taken up for final hearing.

3.The case of the petitioner is that he 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 09.07.2009 and his service was regularised w.e.f. 03.07.2009 and probation was declared on



19.01.2015 w.e.f. 23.12.2013. Thereafter, the post of the petitioner was converted into the post of Assistant. The second respondent has fixed his seniority on the basis of date of his appointment as Assistant. Therefore, the petitioner sent a representation dated 08.09.2016 praying to fix his seniority w.e.f. 09.07.2009. But the same was not considered so far. Hence, the present 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 Rules, 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.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 Rules, and to pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

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

2.The District Collector,
Sivagangai District,
Sivagangai.

+1cc to M/s.R.Vijaya Kumar, Advocate in SR. No.68198

+1cc to The special government Pleader, Advocate in SR. No.68314

Rj2

jsi/cm/msa/31.01.2017/3p-5c

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