



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

C O R A M

THE HON'BLE DR.JUSTICE S.VIMALA

Writ Petition (MD) Nos.22435 & 22436 of 2016

WEB COPY

K.P.Gurusamy

..Petitioner in W.P.(MD)No.22435 of 2016

M.Ganesan

..Petitioner in W.P.(MD)No.22436 of 2016

Vs.

1.Director of Rural Development,
Panagal Building, Saidapet, Chennai - 600 015.

2.The District Collector, Virudhunagar District,
Virudhunagar.

.. Respondents in both the writ petitions

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to send proposal to the first respondent for inclusion of the petitioners name in the provisional seniority list dated 31.10.2016 in the cadre of Overseer/Junior Draughting Officer on par with his batch mates namely P.Muthukumar and P.Sivaprakasam, whose seniority Rank number is 1056 and 1057 respectively with effect from 25.04.2008, in the light of the order passed by this Court in W.P.(MD)No.1019 of 2008 and 1021 of 2008 respectively dated 15.02.2008 and based on the petitioners representation dated 05.07.2016, within a stipulated time.

For petitioner

... Mr.G.Thalaimutharasu

For Respondents

... Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

These Writ Petitions have been filed seeking direction to the second respondent to send proposal to the first respondent for inclusion of the petitioners' name in the provisional seniority list, dated 31.10.2016, in the cadre of Overseer / Junior Draughting Officer, on par with their batch-mates, namely, P.Muthukumar and P.Sivaprakasam, whose seniority Rank numbers are 1056 and 1057 respectively with effect from 25.04.2008, in the light of the order passed by this Court in W.P.(MD)No.1019 of 2008 dated 15.02.2008 and based on the petitioners' representation, dated 05.07.2016, within a stipulated time.

2. Heard the learned counsel for the petitioners and Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, for the respondents.



3. The petitioners are civil engineers and had a seniority in the District Employment Exchange in the year 2007. When the respondents issued notification for recruitment to the post of Overseer in Virudhunagar District Panchayat Union, the petitioners' names were not sponsored by the District Employment Office, treating them as if the petitioners were over-aged. Hence, the petitioners approached the respondents to consider their case for appointment to the post of Overseers for relaxation of upper age limit, but the respondents had rejected the claim of the petitioners by the impugned orders.

4. The petitioners and others challenged the said order in W.P. (MD) No. 1017 of 2008 etc. batch and for consequential direction to the respondents to appoint the petitioners in the post of Overseers, by considering the employment seniority of 1986-1987 batch. The said writ petition was allowed by the order, dated 15.02.2008 with a specific direction to consider the petitioners' case for appointment for the posts of Overseers. As the respondent had not taken any steps to comply with the order, the petitioners filed Contempt Petition (MD) Nos. 79 & 80 of 2009 before this Court.

5. In the Contempt Proceedings, the respondent made an assurance before this Court that the petitioners will be appointed within three months.

5.1. But the respondent filed Sub-Application Nos. 71 & 72 of 2012 in the Contempt Petition and sought for further extension of time.

5.2. This Court directed the respondent to implement the order on or before 29.10.2012. Thereafter, the petitioners were appointed as Overseer, by the first respondent herein, by proceedings, dated 26.10.2012 at Narikudi Panchayat Union and Rajapalayam Panchayat Union, respectively.

6. Therefore, according to the petitioners, there is an inordinate delay caused by the respondents, which is illegal, arbitrary and against the provisions of natural justice. Since the petitioners' appointment pertains to the year 2008, the respondents have not sent the proposal to fix the seniority in the cadre of Overseers, on par with their batch-mates, as on date. Therefore, the petitioners made representations, dated 05.07.2016 respectively, requesting the respondents to send the proposal to fix the seniority, but, as on date, the respondents have not taken any steps.

7. In the meantime, the first respondent has issued a provisional seniority list as on 01.01.2009 by the proceedings dated 31.10.2016, wherein the petitioners' batch-mates viz., P. Sivaprakasam, have been placed at seniority Nos. 1056 and 1057 respectively. But the petitioners' names are not found. Hence, these writ petitions have been filed seeking



directions to the first respondent to include the name of the petitioners in the provisional seniority list.

8. Under such circumstances, the first respondent directed to consider the representations of the petitioners, dated 05.07.2016 respectively, within a period of four weeks from the date of receipt of a copy of this order.

9. These writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar (CS)

To

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

2. The District Collector, Virudhunagar District,
Virudhunagar.

+1cc to Mr. G. Thalaimutharasu, Advocate in SR.71997

+1cc to the Special Government Pleader in SR.72445

W.P. (MD) Nos. 22435 and 22436 of 2016
23.11.2016

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PBK/SKN/SAR-3 26.12.2016 :: 3p-5c: