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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.3228 to 3233 of 2013

P.GANESAN ... PETITIONER in WP(MD) No.3228 of 2013
M.ANBAR DOSS ... PETITIONER in WP(MD) No.3229 of 2013
K.ELANGO VAN ... PETITIONER in WP(MD) No.3230 of 2013
A.MALAIRAJAN ... PETITIONER in WP(MD) No.3231 of 2013
M.AHAMED KABIR ... PETITIONER in WP(MD) No.3232 of 2013
A.ISABELLA ... PETITIONER in WP(MD) No.3233 of 2013

-VS-

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.
RURAL DEVELOPMENT DEPARTMENT, FORT ST.GEORGE,
CHENNAI- 009.
2 THE COMMISSIONER OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.
3 THE DISTRICT COLLECTOR,
(PD SECTION), TIRUNELVELI DISTRICT
TIRUNELVELI. ... RESPONDENTS in WP(MD) No.3228 of 2013

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.,
RURAL DEVELOPMENT DEPARTMENT, FORT ST. GEORGE,
CHENNAI- 009.

2 THE COMMISSIONER OF RURAL,
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.

3 THE DISTRICT COLLECTOR,
(PD SECTION), VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR. ... RESPONDENTS in WP(MD) No.3229 of 2013



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- 1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.,
RURAL DEVELOPMENT DEPARTMENT, FORT ST. GEORGE
CHENNAI- 009.
- 2 THE COMMISSIONER OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.
- 3 THE DISTRICT COLLECTOR,
(PD SECTION), SIVAGANGAI DISTRICT,
SIVAGANGAI. ... RESPONDENTS in WP(MD) No.3230 of 2013
- 1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.,
RURAL DEVELOPMENT DEPARTMENT, FORT ST. GEORGE,
CHENNAI- 009.
- 2 THE COMMISSIONER OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.
- 3 THE DISTRICT COLLECTOR,
(PD SECTION), VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR. ... RESPONDENTS in WP(MD) No.3231 of 2013
- 1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.,
RURAL DEVELOPMENT DEPARTMENT, FORT ST. GEORGE,
CHENNAI- 009.
- 2 THE COMMISSIONER OF RURAL,
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.
- 3 THE DISTRICT COLLECTOR,
(PD SECTION), KANYAKUMARI DISTRICT,
KANYAKUMARI. ... RESPONDENTS in WP(MD) No.3232 of 2013
- 1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT.,
RURAL DEVELOPMENT DEPARTMENT, FORT ST. GEORGE,
CHENNAI- 009.
- 2 THE COMMISSIONER OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET, CHENNAI- 015.



3 THE DISTRICT COLLECTOR
(PD SECTION), KANYAKUMARI DISTRICT,
KANYAKUMARI. ... RESPONDENT(s) in WP(MD) No.3233 of 2013

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Prayer in WP(MD) No.3228 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion and pay benefits within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.3229 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion and pay benefits within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.3230 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion



and pay benefits within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.3231 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion and pay benefits within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.3232 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion and pay benefits within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.3233 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O. (3D) NO.43, Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 passed by the first respondent and quash the same in so far as fixing of seniority of the Petitioner by placing him in the bottom most in the seniority list of Assistant as on 09.12.2011 and further direct the respondent to reckon the seniority of the Petitioner in the cadre of Assistant with effect from 1.5.2001, the date of posting him as Assistant with all consequential service benefits such as retrospective promotion and pay benefits within the time limit that may be stipulated by this Honble Court.



For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.G.Muthukannan, Government Advocate

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COMMON ORDER

These writ petitions have been filed challenging G.O.(3D)No.43 Rural Development and Panchayat Raj (E3) Department, dated 09.12.2011, to quash the same in so far as fixing the seniority of the petitioners by placing them in the bottom most in the seniority list of Assistants as on 09.12.2011, with a further direction to the respondents to reckon the seniority of the petitioners in the cadre of Assistant with effect from 01.05.2001, the date of their posting as Assistants, with all consequential service benefits such as, retrospective promotion and pay benefits within a time frame.

2.When the matter was taken up for hearing, learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents jointly made a statement that the very same G.O.(3D)No.43 Rural Development and Panchayat Raj (E3) Department dated 09.12.2011 challenged in W.P.Nos.27207 and 27208 of 2012 was set aside insofar as class (b) and (e) are concerned, by a detailed order dated 26.03.2015, therefore, the present writ petitions also deserve to be allowed in the light of the abovesaid order.

3.At this juncture, it is relevant to extract paragraphs 11 and 12 of the order made in W.P.Nos.27207 and 27208 of 2012 dated 26.03.2015, which are given as under:-

'11.The petitioners were appointed as Radio Supervisors in Tamil Nadu Local Administration Radio and Television Maintenance Organization. They are now accommodated as Assistants by transfer of service. The petitioners are therefore entitled to the benefits of Rule 35(b) extracted above. I am therefore of the view that the respondents were not correct in denying the petitioners, benefits of their earlier service and fixing them below others presently working in the transferee Department.

12.In the result, the impugned order in G.O.(3D)No.43 Rural Development and Panchayat Raj (E3) Department dated 9 December 2011 is set aside insofar as class (b) and (e) are concerned. The respondents are directed to fix seniority of the petitioners as Assistants taking into account the date of commencement of their officiation as Assistant in the District Collectorate at Cuddalore. They should be given due placement in the seniority list taking into account the date of commencement of their functioning as assistant in the concerned Collectorate. Such exercise shall be completed within a period of three months from the



date of receipt of a copy of this order.''

4. Since the issue raised in the present writ petitions has been answered as above, the present writ petitions are allowed in terms of the order made in W.P.Nos.27207 and 27208 of 2012, dated 26.03.2015. No costs.

Sd/-

Assistant Registrar(T & p)

/True Copy/

Sub Assistant Registrar

To

1) THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
RURAL DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600 009.

2) THE COMMISSIONER OF RURAL DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING, SAIDAPET,
CHENNAI-600 015.

3) THE DISTRICT COLLECTOR (PD SECTION),
TIRUNELVELI DISTRICT, TIRUNELVELI.

4. THE DISTRICT COLLECTOR
(PD SECTION), VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR

5. THE DISTRICT COLLECTOR
(PD SECTION) SIVAGANGAI DISTRICT, SIVAGANGAI

6. THE DISTRICT COLLECTOR
(PD SECTION), KANYAKUMARI DISTRICT, KANYAKUMARI

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W.P (MD) Nos.3228 to 3233 of 2013
13.07.2016