

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.583 of 2017
and
W.M.P.No.637 of 2017

R.Balasubramanian

...Petitioner

-Vs-

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Secretary to Government,
Rural Development and Local Administration,
Secretariat,
Fort St.George,
Chennai -9.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondent to give the notional promotion to the petitioner as per his original seniority on par with the immediate Junior C.Mohan and give monetary and pensionary benefits to the petitioner on the basis of the petitioner's representation 25.07.2011 and 27.02.2013.

For Petitioner : Mr.A.E.Kalaiselvan

For Respondents: Mr.P.Sanjai Gandhi
Additional Government Pleader.

WEB COPY
O R D E R

By consent the writ petition is taken up for final disposal. Mr.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner was initially appointed as Junior Assistant in the Revenue Department on temporary basis on 05.06.1984 and his service was regularised on 18.11.1996 and his probation was also successfully declared. The petitioner would further aver that on 04.09.1987, for want of vacancy, he was transferred to Rural Development Department from Revenue Department and he also cleared the Departmental test and he claims that he is fully qualified for promotion to the post of Assistant in the Rural Development Department. The petitioner would further aver that in the light of the same, he should have been given promotion as Assistant on par with his junior C.Mohan and he was repeatedly making representations and in the interregnum period, he retired from service on 30.06.2011. In this regard, he has also submitted representations on 25.11.2011 and 27.02.2013 to the 2nd respondent in person. In spite of receipt and acknowledgement it is yet to be favoured with any kind of response. Hence, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the proposal sent was returned by the Rural Development and Local Administration Department by letter dated 18.05.2009, and only then, the petitioner became aware of the same and he gave representations in person to the first respondent. Since those representations having not given disposal, he is constrained to file this writ petition.

4. Per contra, Mr.Sanjai Gandhi, learned Additional Government Pleader appearing on behalf of the respondents would submit, admittedly, the proposal was returned as early as on 18.05.2009 and the petitioner has approached this Court only in the year 2017 in the form of the present writ petition. Therefore, his claim is hit by delay and laches and prays for dismissal of the writ petition.

5. Since the petitioner had submitted representations in person to the respondents, for which, no acknowledgements are available, this Court permits the petitioner to submit a representation to the Director of Rural Development and Local Administration, Panagal Building, Saidapet, Chennai - 600 015 as to his claim within a period of two weeks from the date of receipt of a copy of this order and the said official, on receipt of the said representation, is directed to consider the same on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and

communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Secretary to Government,
Rural Development and Local Administration,
Secretariat, Fort St.George,
Chennai -9.
3. The Secretary,
Local Administration, Panagal Building,
Saidapet, Chennai-15.

+1cc to Mr.A.E.Kalaiselvan, Advocate sr.1778
+1cc to the Government Pleader sr.2639

W.P.No.583 of 2017

ksj[col]
srg 31/01/2017

सत्यमेव जयते

WEB COPY