

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.906 of 2017 against WP.35534/04
and
C.M.P.No.12600 of 2016

1. The Government of Tamil Nadu,
rep. by its Secretary,
Rural Development Department,
Fort St. George, Chennai 600 009.
2. The Director of Rural Development,
Panagal Buildings,
Saidapet, Chennai 600 015.
3. The District Collector,
Kancheepuram District, Kancheepuram. ... Appellants/Respondent

Versus

D.Thanraj John Pandian ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 13.8.2013 and subsequently modified on 7.2.2014 in W.P.No.35534 of 2004 on the file of this court.

Writ Petition filed under Article 226 of the Constitution of India, praying this court for issuance of Writ of Ceritorarified Mandamus to call for the records of the first respondent in its Letter No.3982/c6/2004-4, dated 15.04.2004 and quash the same and consequently, direct the respondents herein to forthwith revise the Seniority list in the category of RWO GR.I/Block Development Officer and Assistant Director in accordance with the orders of the Tribunal made in O.A.NO.2187 of 1990, dated 22.2.1993, which was approved by the Supreme court of India in S.L.P.NO.9983 of 1994, dated 15.07.1994 and as per the order in RA.NO.107/94 in TA.NO.459/89, dated 15.12.2002 and consequently give promotion to the petitioner as Extension Officer, Deputy Block Development Officer and Block Development Officer on per with A. Kalaiselvan and further promoted the petitioner as Assistant Director with all monetary and other attendant benefits.

For appellants : Mr.R.Prathapkumar,
Additional Government Pleader

For Respondent : Mr.K.Raja

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

The writ appeal is filed challenging the order passed by the learned Single Judge ordering to pay monetary benefits instead of notional benefits in the cadre of Assistant Director.

2. Heard the learned counsel appearing for the parties for some time and perused the records.

3. It appears that the respondent/writ petitioner was appointed as Rural Welfare Officer, Grade II on 20.8.1962 and subsequently after getting some promotions, he retired as Block Development Officer on 30.6.2011. His grievance is that his seniority was not properly fixed when there was a merger in his Department and had it been done properly, he would have retired as Assistant Director. Subsequently, on his representations and initiation of several proceedings and after several years, he could get only notional benefits and not monetary benefits. After the earlier round of litigations, he succeeded before the learned Single Judge in getting the relief of pay fixation and monetary benefits which is challenged in the present writ appeal.

4. On perusal of the order passed by the learned Single Judge, we find that the learned Single Judge has granted the relief only after considering the relevant materials. The learned Single Judge has also observed that when the petitioner is entitled to pay fixation in the cadre of Assistant Director with effect from 11.10.2000, the appellants could not refuse the fixation of the pay of the petitioner for the mere reason that the appellants could not include the name of the petitioner in the panel of Assistant Director for the year 1999-2000 without getting concurrence from the Tamil Nadu Public Service Commission.

5. Therefore, for the administrative delay on the part of the appellant, the respondent cannot be victimised. We are not inclined to interfere with the well considered view of the learned Single Judge. The writ appeal is devoid of merits and

it is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The Secretary,
The Government of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai 600 009.
2. The Director of Rural Development,
Panagal Buildings,
Saidapet, Chennai 600 015.
3. The District Collector,
Kancheepuram District, Kancheepuram.

+1cc to Government Pleader in sr.no.61723

W.A.No.906 of 2017

RJ(CO)
NR 10/10/2017



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