

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WMP No.22990 of 2017

in WP No.28342 of 2016

1 V.KAMARAJ [PETITIONER]
RURAL WELFARE OFFICER,
O/O.THE BLOCK DEVELOPMENT OFFICER,
KORADACHERRY TALUK, THIRUVARUR DISTRICT

2 R.MALA
RURAL WELFARE OFFICER, O/O.
THE BLOCK DEVELOPMENT OFFICER,
KOTTUR, THIRUVARUR DISTRICT

3 K.KATHIRAVAN
RURAL WELFARE OFFICER,
O/O.THE BLOCK DEVELOPMENT OFFICER,
KODAVASAL, THIRUVARUR DISTRICT

4 S.NEHRU
RURAL WELFARE OFFICER,
O/O.THE BLOCK DEVELOPMENT OFFICER,
VALANGAIMAN, THIRUVARUR DISTRICT

5 R.G.JAMUNARANI
RURAL WELFARE OFFICER, O/O.
THE BLOCK DEVELOPMENT OFFICER,
KOTTUR, THIRUVARUR DISTRICT

6 K.MALARAVAN
RURAL WELFARE OFFICER, O/O.
THE BLOCK DEVELOPMENT OFFICER, MUTHUPETTAI

7 G.MURUGANANDAM,
RURAL WELFARE OFFICER, O/O.
THE BLOCK DEVELOPMENT OFFICER, THIRUVARUR

Vs

1 THE GOVERNMENT OF TAMIL NADU [RESPONDENTS]
REP. BY ITS SECRETARY, RURAL DEVELOPMENT
AND LOCAL ADMINISTRATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 THE DIRECTOR
RURAL DEVELOPMENT, PANAGAL BUILDING,
SAIDAPET, CHENNAI-15.

3 THE DISTRICT COLLECTOR,
O/O.THE DISTRICT COLLECTOR, THIRUVARUR

4 R.C.SIVAKUMAR
ASSISTANT, O/O.THE BLOCK DEVELOPMENT OFFICE,
VALANGAIMAN, THIRUVARUR DISTRICT

5 S.PRABU
ASSISTANT, O/O.THE DISTRICT RURAL
DEVELOPMENT CAMP, THIRUVARUR

6 A.DAKSHINAMOORTHY
ASSISTANT, O/O.THE DISTRICT RURAL
DEVELOPMENT CAMP, THIRUVARUR

7 A.JAYACHITRA
ASSISTANT, O/O.THE BLOCK DEVELOPMENT OFFICE,
MUTHUPETTAI, THIRUVARUR DISTRICT

8 M.VANI
ASSISTANT, O/O.THE BLOCK DEVELOPMENT OFFICE,
NEEDAMANGALAM, THIRUVARUR DISTRICT

9 T.PARKAVI
ASSISTANT, O/O.THE ASSISTANT DIRECTOR
(PANCHAYAT), THIRUVARUR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Clarify the Order dated 26.07.2017 in WP No.28342 of 2016 pending WP No.28342 of 2016.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.T.AANANTHI, Advocate for the petitioner and of MR.K.DHANANJAYAN SPL.GOV.T.PLEADER on behalf of the Respondents 1 to 3 and of MR.V.SUTHAKAR Advocate for the respondents 4 to 9 the court made the following order:-

The petition for clarification is filed to clarify the earlier order of this Court dated 26.07.2017 passed in W.M.P.Nos.24458, 31484 & 34658 of 2016.

2.The learned counsel appearing for the writ petitioners made a contention that the right of the writ petitioners are preserved

in the earlier order passed by this Court on 26.07.2017. The writ petitioner is not interested in pursuing the grounds raised in this writ petition and accordingly chosen to withdraw the same.

3.However, the learned contesting respondent as well as the Additional Government Pleader made a submission that it is the writ petitioners who obtained an interim order and stalled the entire promotions, including the opportunities of the contesting respondents. In view of the interim order granted in this writ petition, the contesting respondents were deprived of their right of promotion for about nine months and now, the writ petitioners shall not be allowed to withdraw the writ petition on the ground that the right of the writ petitioners are preserved. Because of the filing of the writ petition the routine promotions to be accorded to the eligible employees were denied and now, the respondents 1 to 3 are bound to act based on the panel and grant promotions in accordance with the rules to all the eligible candidates.

4.Such being the factum of this case, granting permission for withdrawal at this stage is not preferable and this Court has to grant some more time for the respondents 1 to 3 for implementing the orders passed on 26.07.2017, otherwise there will not be any sanctity in respect of the orders passed by this Court on 26.07.2017.

5.Thus, the respondents 1 to 3 are directed to implement the order dated 26.07.2017 passed in W.M.P.Nos.31484, 34658 and 24458 of 2016 by providing opportunities to all the candidates both the writ petitioner as well as the respondents and grant promotions in accordance with the rules, within a period of two weeks from the date of receipt of a copy of this order.

6.With this clarification in the Miscellaneous Petition stands disposed of.

-sd/-
20/09/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY
THE GOVERNMENT OF TAMIL NADU ,
RURAL DEVELOPMENT AND
LOCAL ADMINISTRATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 THE DIRECTOR
RURAL DEVELOPMENT, PANAGAL BUILDING,
SAIDAPET, CHENNAI-15.

3 THE DISTRICT COLLECTOR,
O/O.THE DISTRICT COLLECTOR, THIRUVARUR

C.C. to MS.T.AANANTHI Advocate SR.NO.12361

The Additional Government Pleader, High Court, Madras - 104.

C.C. to MR.V.SUTHAKAR Advocate SR.NO.12362

Order

in
WMP.22990/2017

in
WP.28342/2016

Date :20/09/2017

From 26.2.2001 the Registry is issuing certified
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VS 26.09.2017