

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. Nos. 2562 & 2563 of 2017

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W.M.P. Nos. 2525 & 2526 of 2017

1. G. Durairaj
 2. C. Kottiyappan
 3. R. Sivasubramanian
 4. R. Venkatraj ..Petitioners in W.P. No. 2562 of 2017
- L. Venkatraman ..Petitioner in W.P. No. 2563 of 2017
- Vs.
1. State of Tamil Nadu rep. by its Secretary to Government, Rural Development and Panchayat Raj Department, Fort St. George, Chennai - 9.
 2. Director, Commissionerate of Rural Development and Panchayat Raj, Panagal Building, Chennai - 15.
 3. District Collector, Tirunelveli District, Tirunelveli. ..Respondents in both the writ petitions

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 herein to forthwith promote the petitioners herein notionally as Assistant Director with monetary benefits on par with their juniors by getting revised proposal from the 3rd respondent herein in regard to the respective date of notional promotion of the petitioners in the post of Block Development Officer as called for in the Proceedings of the 2nd respondent herein Na.Ka.No. 65982/2015/G.E-2.1 dated 09.05.2016

and consequently extend all monetary benefits including arrears of difference in pay and pension to the petitioners herein based on notional promotions in accordance with law.

For Petitioners :: Mr.V.R. Rajasekaran

For Respondents :: Mr.O. Selvam,
Govt. Advocate

COMMON ORDER

By consent, the writ petitions themselves are taken up for final disposal.

2. Mr.O. Selvam, learned Government Advocate accepts notice on behalf of the respondents.

3. Originally, the petitioners joined as Village Level Workers and in due course of time, reached the post of Block Development Officer and retired from service on 28.02.2003, 30.06.2004, 30.06.2002, 31.05.2002 and 31.10.2002 respectively. It is further stated that the Tamil Nadu Administrative Tribunal, vide common order dated 08.11.1991 in R.A. No. 69 of 1990 in O.A. Nos. 276 and 846 of 1989, O.A. No. 270 of 1990, etc, had ordered for re-fixation of seniority with a direction to the respondents therein to reckon the seniority of Village Level Workers from the date of their first appointment in the Agricultural Department. The said order was put to challenge in W.P. Nos. 19960 to 19962 of 1998 and W.P. NO. 7591 of 1999 etc. and the decision of the Tribunal was upheld by the Division Bench of this Court by common judgment dated 19.04.2005 and S.L.P.(C) No. 15631 of 2005 preferred against the said verdict had also ended in dismissal on 24.08.2009. However, the 3rd respondent had implemented the common judgment dated 19.04.2005 rendered in W.P. Nos. 19960 to 19962 of 1998 etc. only on 29.10.2011 by re-fixing the seniority of the petitioners herein in the post of Rural Welfare Officer Grade-II/Junior Assistant, by counting the entire service rendered in the Agriculture Department. According to the petitioners, the 3rd respondents has already made a positive recommendation by his letter in Na.Ka.No.'1/6828/2014 dated 04.04.2016 to the 2nd respondent and the 2nd respondent has also sought certain additional particulars vide communication dated 09.05.2016 from the 3rd respondent and the said particulars have also been furnished . However, orders are yet to be passed. The petitioners in W.P. No. 2562 of 2017 have submitted a representation dated 14.09.2015 and the petitioner in W.P. No. 2563 of 2017 has submitted a representation dated 09.01.2017 seeking notional promotion and though the said representations have been received and acknowledged, no steps have been taken to

address the grievance of the petitioners and therefore, came forward to file the present writ petitions.

4. This Court heard the submissions of the learned counsel on either side and perused the materials on record.

5. Though the petitioners pray for a larger relief, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in their respective representations or in the respective writ petitions, directs respondents 1 and 2 to consider the representations of the respective petitioners dated 14.09.2015 & 09.01.2017, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision to the respective petitioners. The writ petitions are disposed of accordingly. No costs. Connected W.M.Ps are closed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To

1. State of Tamil Nadu rep. by its
Secretary to Government,
Rural Development and Panchayat
Raj Department,
Fort St. George, Chennai - 9.
2. Director,
Commissionerate of Rural Development
and Panchayat Raj,
Panagal Building, Chennai - 15.
3. District Collector,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.V.R.RajaSekaran, Advocate SR.No.6659
+1cc to Government Pleader SR.No.7480
+1cc to Government Pleader SR.No.7431

W.P. Nos. 2562 & 2563 of 2017

NR(CO)
GN(22/02/2017)