

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26230 of 2017 and

WMP.No.27884 of 2017

M.Narendaran

...Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Principal 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,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to forth with
(a) re-fix the seniority of the petitioner herein in the post of Assistant following the Proceedings in his Na.Ka.No.10973/2016/P.A.3 dated 08.08.2017 issued in respect of the juniors of the petitioner herein and consequently, promote the petitioner herein notionally as Assistant with all monetary benefits w.e.f. 01.03.2011 on par with his junior K.Kumar and
(b) draw a revised panel of Assistant fit for promotion as Deputy Block Development Officer for the year 2017-18 by including the name of the petitioner herein in the panel based on the relaxation granted in G.O.Ms.No.55, Rural Development and Panchayat Raj (E.4) Department, dated 26.05.2017 and regularly promote the petitioner herein as Deputy Block Development Officer in the existing vacancy with notional benefits w.e.f. 19.11.2014 on par with his junior K.Kumar.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.E.R.A.Premnath,
Government Advocate

O R D E R

The petitioner herein is claiming regular promotion as Deputy Block Development Officer by virtue of G.O.Ms.No.55, Rural Development and Panchayat Raj Department, dated 26.05.2017 and notional promotion with monetary benefits in the post of Assistant w.e.f. 01.03.2011 and Deputy Block Development Officer w.e.f. 19.11.2014 on par with his junior K.Kumar. In this regard, the petitioner has given a representation dated 23.06.2017 to the 3rd respondent, but the same has not been considered. Hence, the Petitioner has filed the present Writ Petition.

2. Learned Counsel appearing for the petitioner would contend that the issue-in-dispute is covered by a decision of this Court wherein in an identical situation in W.P.No.13087/2016 (K.Manickavelu vs. The Commissioner, Rural Development and Panchayat Raj, Panagal Buildings, Saidapet, Chennai-15 and two others), this Court, by order dated 07.04.2016, directed the 2nd respondent therein to consider the proposal sent by the 3rd respondent dated 10.11.2015 on the basis of the representation given by the petitioner therein dated 09.11.2015 and dispose of the same on merits and in accordance with law. The learned Counsel would now pray that though a larger prayer has been made in this Writ Petition, the petitioner would be satisfied, if a similar direction may be granted to dispose of the representation given by him by the 3rd respondent.

3. Mr.E.R.A. Premnath, learned Government Advocate who takes notice for the respondents would submit that four weeks time may be granted to dispose of the representation of the petitioner by the 3rd respondent.

4. Considering the facts and circumstances of the matter and in view of the submission now made by the learned Counsel for the petitioner, this Court, without going into the merits of the claim made by the petitioner, directs the 3rd respondent to consider and dispose of the representation of the petitioner dated 23.06.2017 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
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,
Kancheepuram District,
Kancheepuram.

+1 CC to Mr. V.R.Rajasekaran Advocate SR.NO.72017

+1 CC to Government Pleader SR.No.72685

W.P.No.26230 of 2017

VD(CO)
VC (31/10/2017)



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