

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.16791 of 2017

R.Senthilnathan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by its Principal Secretary,
Rural Development and Panchayat Raj
Department, Fort St. George,
Chennai - 600 009.
 2. The Commissioner,
Rural Development and Panchayat Raj
Department, Panagal Maaligai,
Saidapet, Chennai - 600 015.
 3. The District Collector,
Ariyalur, Ariyalur District.
- ... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent for considering and send the proposal to 1st respondent to pass orders on the representation of the petitioner dated 23.1.2016 in the light of the order in G.O.(1 p) No.447, rural Development and Panchayat Raj Department dated 19.8.2015, passed by the first respondent within a time limit that may be specified by this Court.

For Petitioner : Mr.A.Anilan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The limited relief now sought for in this writ petition is for a direction to consider the representation submitted by the petitioner to the second respondent on 23.01.2016.

2.The petitioner was appointed as a Junior Assistant on compassionate ground on 27.03.2007, on account of the death of his father Late.T.Ranganathan, while he was in service. The only grievance of the writ petitioner is that he was not sent for Bhavanisagar Training in time, which resulted in denial of his promotion on par with his junior.

3.The writ petitioner is not at all responsible for not taking out the official training in Bhavanisagar in time. It is duty of the respondents to sponsor the name of the writ petitioner to undergo the Bhavanisagar training and admittedly, there was an administrative delay in sending the writ petitioner. For the delay committed by the Department, the right of promotion to the petitioner cannot be denied. Now it is for the respondents to send necessary proposal to the Government seeking relaxation for retrospective regularization enabling the petitioner to get all his service benefits in accordance with the Rules on par with his Juniors. In this respect the writ petitioner has submitted a representation on 23.01.2016.

4. Without going into the merits of this matter, this Court is inclined to consider the case of the writ petitioner. Accordingly, the second respondent is directed to consider the representation submitted by the petitioner on 23.01.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpa/av

To

1. The Principal Secretary,
Rural Development and Panchayat Raj
Department, Fort St. George,
Chennai - 600 009.

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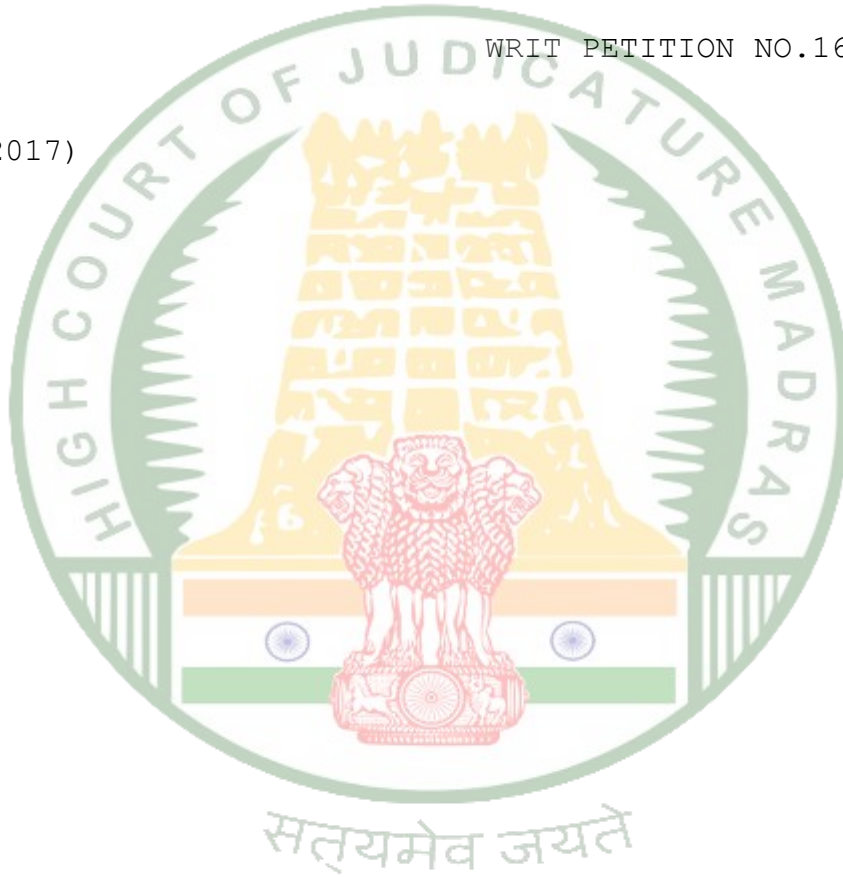
2. The Commissioner,
Rural Development and Panchayat Raj,
Department, Panagal Maaligai,
Saidapet, Chennai - 600 015.

3. The District Collector,
Ariyalur, Ariyalur District.

+lcc to Mr.A.Anilan, Advocate, S.R.No.46212
+lcc to the Government Pleader, S.R.No.46875

WRIT PETITION NO.16791 of 2017

CP(CO)
CA(21/07/2017)



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