

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.23396 of 2016 & W.M.P. Nos.20056 & 20057 of 2016

1 R. Dhandapani

2 R. Balasubramanian

3 S. Abitha Hanif

4 R. Senthil Kumaran

5 M. Priya

6 P. Senthilvadiyu Petitioners

vs.

1 The Government of Tamil Nadu
represented by the Principal Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat
Fort St. George
Chennai 600 009

2 The Director
Rural Development and Panchayat Raj Department
Panagal Building
Saidapet
Chennai 600 015

3 The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar
Park Town
Chennai 600 003

4 V.S. Rajendra Prasath

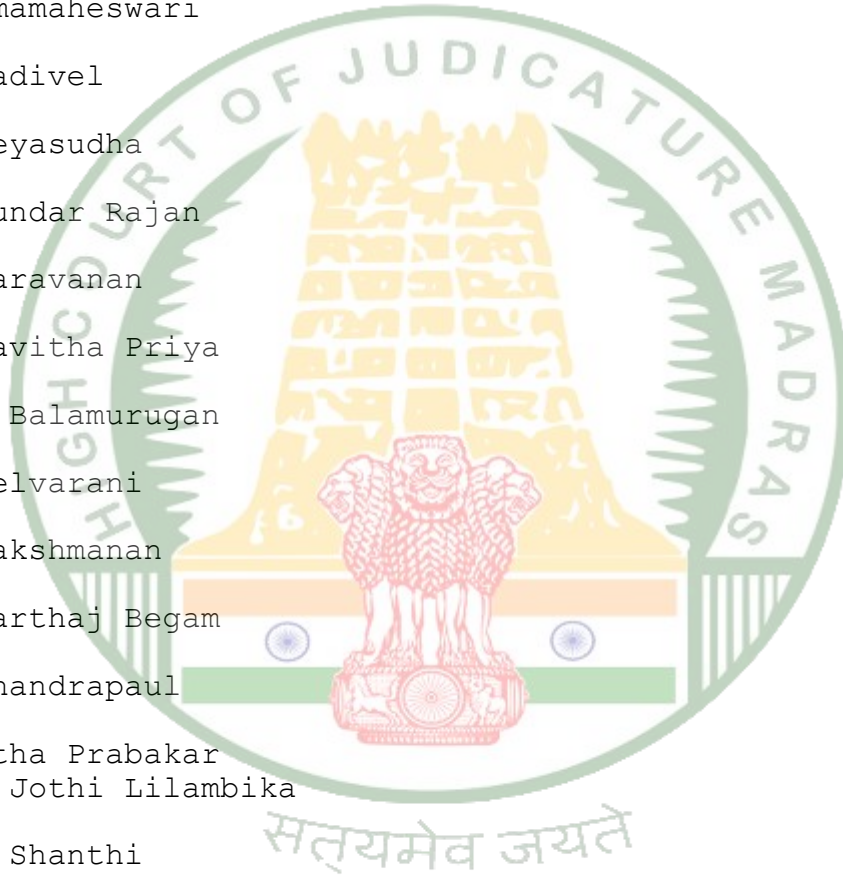
5 S. Premkumar

6 Michael Anthony Fernando

7 M. Balaganesh

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8 P. Babu
9 B. Sree Devi
10 P. Thilagavathy
11 K. Ramesh Kumar
12 A. Srinivasan
13 K. Aarthi
14 S. Umamaheswari
15 S. Vadivel
16 P. Jeyasudha
17 S. Sundar Rajan
18 N. Saravanan
19 N. Kavitha Priya
20 S.P. Balamurugan
21 S. Selvarani
22 A. Lakshmanan
23 S. Sarthaj Begam
24 P. Chandrapaul
25 Lalitha Prabakar
26 K.R. Jothi Lilambika
27 J.V. Shanthi
28 N.S. Neelakandan
29 N. Rajavel
30 A. Mani
31 G. Karuppasamy
32 A. Paramasivam
33 R. Ramesh



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- 34 R. Sulthan Sherif
35 M. Murugesan
36 V. Parthevamarugu
37 R. Navaneetha Krishnan
38 P. Ramani
39 S. Murugannan
40 C. Varalakshmi
41 Tamil Nadu Rural Development Officials Association
represented by its General Secretary
P. Krishnasamy
at Plot No.7, MRF Nagar I Street
Kaveri Nagar
Nallampatty Pirivu
Dindigul District
42 S. Kumaresan
43 S. Ramesh
(RR 41 to 43 impleaded as per order dated
16.12.2016 passed in W.M.P. No.28821 of 2016)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned proceedings of the second respondent in RC No.8438/2016/G.E.1.1 dated 13.06.2016 and to quash the same and consequently, direct the respondents 1 and 2 to prepare (inter se seniority list among the directly recruited and promoted Assistant Directors/Personal Assistant (Development) to the Collector) a panel for regular promotion to the post of Joint Director, Rural Development in the Rural Development and Panchayat Raj Departments in consultation with the third respondent.

For petitioners Mr. P. Wilson, Sr. Counsel
for Ms. V. Pushpa

For RR 6-21 & 41
& 42 Mr. P.V. S. Giridhar
for M/s.Giridhar & Sai Associates

For RR 1 & 2 Mr. K. Venkataramani
Additional Adv. General
assisted by Mr. K. Dhananjayan
Special Govt. Pleader

For R3

Ms. C.N.G. Niraimathi
Standing Counsel for TNPSC

For RR 22 - 40 Mr. Y. Kavitha

ORDER

This writ petition has been preferred by directly recruited candidates to the post of Assistant Director/Personal Assistant (Development) to the Collector, calling in question, the legality and validity of the proceedings dated 13.06.2016 of the second respondent, in and by which, the second respondent has called upon the respective District Collectors to forward proposals for temporary promotion to the post of Joint Director of Rural Development for 2016-2017 and also for a direction to respondents 1 and 2 to prepare inter se seniority list among the directly recruited and promoted Assistant Directors/Personal Assistant (Development) to the Collector) for regular promotion to the post of Joint Director, Rural Development in the Rural Development and Panchayat Raj Departments in consultation with the third respondent.

2 Detailed counter affidavits have been filed by respondents 1 and 2 and 6 to 21 and with the consent of the learned counsel for the respective parties, this matter is taken up for final disposal.

3 Albeit Mr. P. Wilson, learned Senior Counsel appearing for the petitioners, Mr. K. Venkataramani, learned Additional Advocate General appearing for respondents 1 and 2, Ms. C.N.G. Niraimathi, learned Standing Counsel for the Tamil Nadu Public Service Commission, Mr. P.V.S. Giridhar, learned counsel for respondents 6 to 21, 41 and 42 and Ms. Y. Kavitha, learned counsel for respondents 22 to 40 argued the matter, at one stage, it was brought to the notice of this Court that, without the inter se seniority list for the post of Assistant Director/Personal Assistant (Development) to Collector among the direct recruits and promotees being prepared by respondents 1 and 2 right from the year 2001, the respondents 1 and 2 have wrongly proceeded to give temporary promotion under Rule 10(a) (1) of the Tamil Nadu State and Subordinate Service Rules read with Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016), as a result of which, more confusion and controversies have been created.

4 At this stage, the learned counsel for the respective parties agreed that without preparing the final inter se seniority list for the post of Assistant Director/Personal Assistant (Development) to Collector among the direct recruits and promotees, the benefit of promotion cannot be given only to

selected candidates.

5 The learned Additional Advocate General appearing for respondents 1 and 2 also submitted that if three weeks' time is granted, the respondents 1 and 2 will prepare a final inter se seniority list for the post of Assistant Director/Personal Assistant (Development) to Collector among the direct recruits and promotees, in accordance with law.

6 Three weeks' time, as sought by the learned Additional Advocate General, is granted to respondents 1 and 2 to carry out the aforesaid exercise. It is made clear that only after the final seniority list, as mentioned above, is prepared, regular promotions shall be made, as per law.

This writ petition stands disposed of with the above direction and observation. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad
To

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The Principal Secretary to Government
Rural Development and Panchayat Raj Department
Government of Tamil Nadu
Secretariat
Fort St. George
Chennai 600 009

2

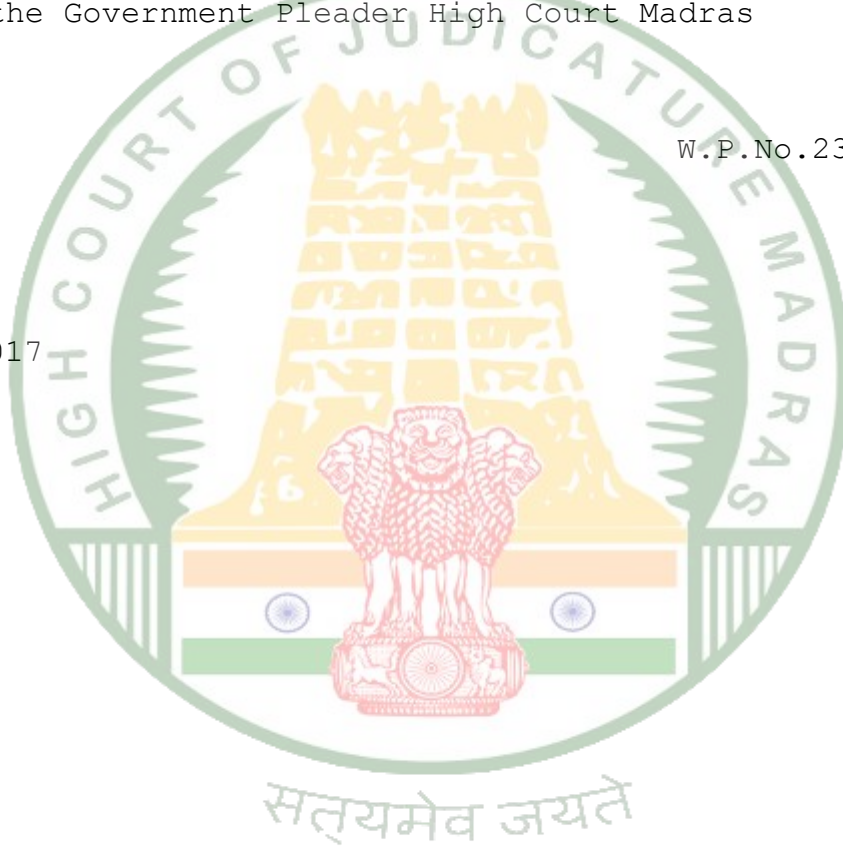
The Director
Rural Development and Panchayat Raj Department
Panagal Building
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3 The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar
Park Town
Chennai 600 003

+3 ccs to M/s.Giridhar and Sai Advocate sr 44294
+1 cc to M/s.V.Pushpa Advocate sr 44110
+1 cc to the Government Pleader High Court Madras
sr 44198

W.P.No.23396 of 2016

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