

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.992 and 993 of 2016
and
C.M.P.Nos.12951 and 12952 of 2016

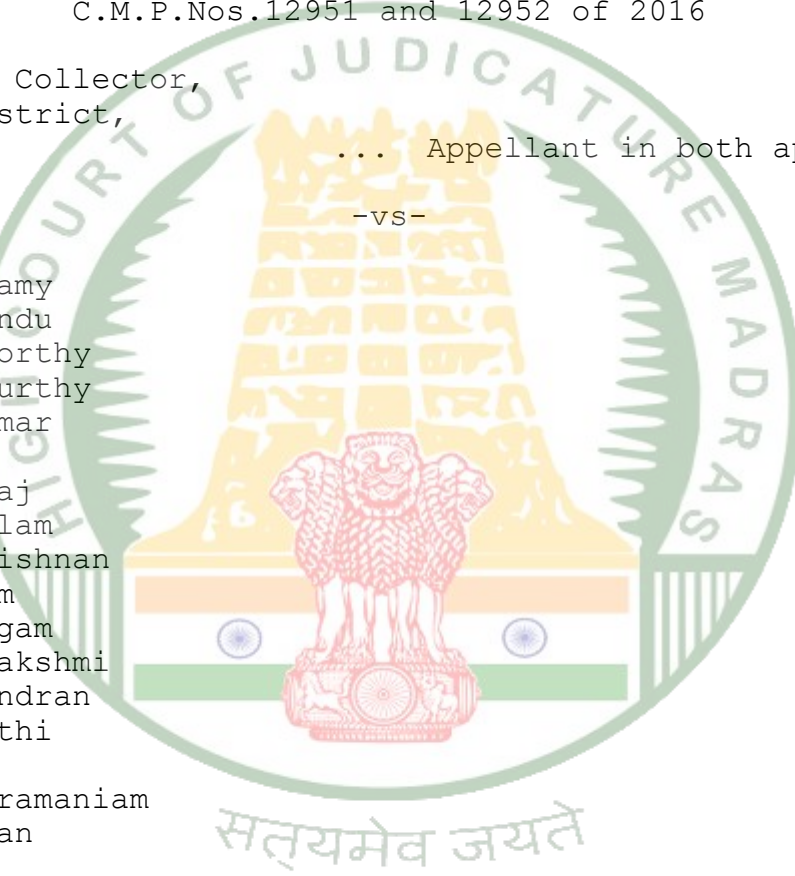
The District Collector,
Cuddalore District,
Cuddalore. Appellant in both appeals

-vs-

1.C.Bhooorasamy
2.D.Sivakolundu
3.A.Kaliyamoorthy
4.M.Krishnamurthy
5.R.Vijayakumar
6.B.Baskaran
7.M.M.Selvaraj
8.D.Arunachalam
9.G.R.Ramakrishnan
10.K.Sundaram
11.R.Ramalingam
12.K.Seethalakshmi
13.P.Jeyachandran
14.M.Ramamurthi
15.R.Jayabal
16.D.Balasubramaniam
17.G.Elangovan
18.R.Jothi
19.P.Kannan
20.G.Gunasekaran
21.R.Udhayasuriyan
22.G.Meena
23.R.Selvi
24.K.Jeyaraman

25.D.Kosalai

(Respondents 7 to 25 are not necessary parties
and hence they are given up). .. Respondents in both appeals



WEB COPY

Appeals filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.Nos.12835 and 13439 of 2007 respectively, dated 21.11.2014.

Prayer in W.P.No.12835 of 2007:

Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned seniority list passed by the 1st respondent in his proceedings Na.Ka.PA.4/23223/1997 dated 28.9.2005 and quash the same in so far as petitioners concerned and consequently direct the 1st respondent to follow the seniority list of the 1st respondent in proceeding No.Roc.No.PA4/23223/97 dated 29.6.1998 for the post of Assistant so as to promote the petitioners as Extension Officers Deputy Block Development Officers and Block Development Officers etc earlier to the 2nd to 20th respondents.

Prayer in W.P.No.13439 of 2007:

Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to the impugned seniority list published by the 1st respondent in Na.Ka.PA2/5545/2006 dated 19/02/2007 in and by which the respondents 2 to 20 were placed above the name of the petitioners in the category of Extension Officer and quash the same in so far as the petitioners are concerned and consequently direct the 1st respondent to place the petitioners above the name of the respondents 2 to 20 in the seniority list of Extension Officer as per the date of appointment in the category Extension officer so as to enable the petitioners to get promotion as Deputy Blocj Development Officer earlier to the Respondents 2 to 20.

For Appellant :: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondents:: Mr.K.Raja for R1 to R6

COMMON JUDGMENT
(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

The State has come up with the present writ appeals challenging the common order passed by this Court in W.P.Nos.12835 and 13439 of 2007 dated 21.11.2014.

2.The respondents 1 to 6 herein are the writ petitioners in the above writ petitions. W.P.No.12835 of 2007 was filed to

quash the proceedings of the appellant herein dated 28.09.2005 fixing the seniority of the respondents 1 to 6 herein in the cadre of Assistants, and for a direction to follow the seniority list dated 29.06.1998, so as to promote them earlier to the respondents 7 to 25 herein.

3.W.P.No.13439 of 2007 was filed to quash the proceedings of the appellant herein dated 19.02.2007 by which the respondents 7 to 25 herein were placed above the respondents 1 to 6 herein and for a direction to place the respondents 1 to 6 above them in the seniority list of Extension Officers.

4.The learned single Judge dealt with the matter in detail and allowed the writ petitions with a direction to re-fix the inter se seniority of the respondents 1 to 6 and the respondents 7 to 25 in the cadre of Assistants and also in the cadre of Extension Officers by placing the respondents 1 to 6 above them. Challenging the same, the present appeals have been filed by the Department.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It has been observed in the order passed by the learned single Judge that the respondents 2 to 20 therein, ie., the respondents 7 to 25 herein, ought to have been repatriated to the parent Department viz. Revenue Department and re-observed therein and failure to do so was in violation of the direction issued by the Supreme Court in C.A.Nos.2352 to 2385 of 1992. However, since they were allowed to continue in the Rural Welfare Department (formerly Panchayat Development Department) for about 14 years after the order of the Supreme Court and for about 7 years after the order of this Court in W.P.No.15484 of 2006, it shall be equitable to dislodge them and ask them to go back to the Revenue Department, especially when others who were promoted subsequent to the promotion of the respondents 7 to 25 have not challenged the retention of the respondents 7 to 25 in the Rural Welfare Department, as well as their promotion to the cadre of Assistants and further promotion to the cadre of Extension Officers.

To have a balance, the learned single Judge allowed the writ petitions as stated supra. This Court is not inclined to interfere with the said decision.

7.Further, it appears that most of them got retired from service and only three persons are remaining in service. The learned Special Government Pleader appearing for the State has submitted that those three persons have completed the Departmental Examinations only subsequently and hence they are not entitled for the relief. In this regard, we hereby observe

that though the Departmental Examinations have been completed subsequently, it cannot be treated as invalid.

8. With the above observations, the writ appeals are dismissed. Consequently the connected miscellaneous petitions are closed. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

KM

To

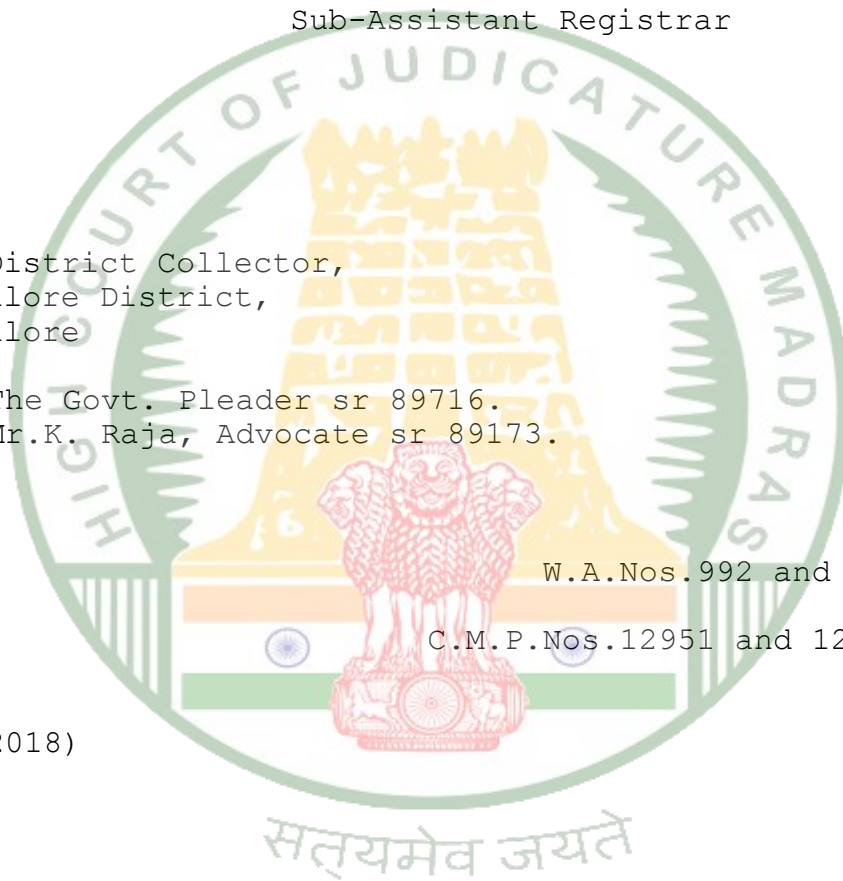
The District Collector,
Cuddalore District,
Cuddalore

+1 CC to The Govt. Pleader sr 89716.

+1 Cc to Mr.K. Raja, Advocate sr 89173.

W.A.Nos.992 and 993 of 2016
and
C.M.P.Nos.12951 and 12952 of 2016

SS (CO)
SP(19/01/2018)



WEB COPY