



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition (MD) No.736 of 2014

and

M.P (MD) No.1 of 2014

S.Umarani

... Petitioner

Vs.

1.The State of Tamil Nadu Represented by its
Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Chennai-9.

2.The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai - 600 108.

3.The Assistant Director of Town Panchayats,
Collectorate,
Dindigul.

... Respondents

The Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to include the petitioner name in the Executive Officer Grade-I. Promotion panel issued by the first respondent in Na.Ka.No.14442/2013-3/A7 dated 17.12.2013 and promote the Petitioner to the post of Executive Officer Grade-I retrospectively with effect from the date on which her immediate juniors were promoted to the post of Executive Officer Grade-I with arrears of pay.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mrs.S.Bharathi
Government Advocate

O R D E R

The petitioner was appointed as a Bill Collector in the Panchayat Department, on 30.11.1994 and She was promoted as Junior Assistant on 12.01.2006 and thereafter, promoted as Executive Officer Grade II and posted in Krishnarayapuram Town Panchayat on 06.10.2006. After serving at various places, she joined in the Nangavaram First Grade Town Panchayat on 26.07.2013. In the seniority list of promotion as Executive officer Grade I, which was published on 17.12.2013, the petitioner's name was not included on the ground that her probation has not been declared by the Government. Challenging the non inclusion of her name in the seniority list, the petitioner has filed the above Writ Petition.



2. During the pendency of the writ petition, the Government has passed an order in G.O.(2D) 44, dated 15.05.2014 declaring the probation of the petitioner with effect from 29.11.1996. Therefore, it goes without saying that the petitioner would be entitled to promotion as Executive Officer Grade I, even on the date of drawing up of the panel i.e. on 17.12.2013.

3. In view of the subsequent development i.e. declaration of probation by the Government, the petitioner is entitled to be promoted as Executive Officer Grade I, from the date on which, the other Executive Officers Grade II were promoted. This writ petition stands allowed and the petitioner would be entitled to all monetary benefits from the date on which she is deemed to have been promoted as Executive Officer Grade I. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Secretary to Government,
State of Tamil Nadu Represented by its
Municipal Administration & Water Supply Department,
Chennai-9.

2. The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai - 600 108.

3. The Assistant Director of Town Panchayats,
Collectorate,
Dindigul.

+1 cc to Special Government Pleader, sr No.15809
+1 cc to Mr.M.SARAVANA KUMAR, ADVOCATE, SR NO.15596

jikr
MAS/KP:03.04.2017:2P-6C

Writ Petition (MD) No.736 of 2014
and
M.P (MD) No.1 of 2014
17.03.2017