



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
WP(MD)No.23768 of 2016

and

WMP(MD)Nos.17127 and 17128 of 2016

M.Balusamy

... Petitioner

vs.

1)The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Chennai-600 009.

2)The District Collector,
Tirunelveli District,
Tirunelveli.

3)The Commissioner,
Vasudevanallur Panchayat Union,
Vasudevanallur,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of 2nd respondent in pursuant to the impugned rejection order of the 2nd respondent in Na.Ka.No.gna13/18507/2016-2 dated 26.11.2016 and quash the same in so far as the petitioner is concerned and consequently directing the 2nd respondent to include the petitioner's name in the panel for promotion to the post of Overseer in Tirunelveli District at appropriate place and promote him accordingly with all service and monetary benefits within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Thalaimutharasu

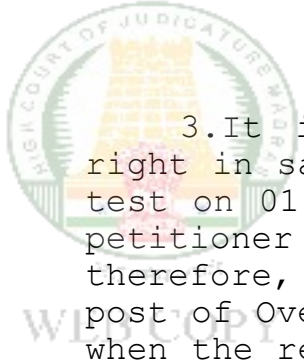
For Respondents : Mr.K.Guru

Additional Government Pleader

ORDER

The petitioner has come to this Court challenging the impugned order dated 26.11.2016 passed by the District Collector, Tirunelveli, 2nd respondent herein rejecting his request for his inclusion in the panel drawn for the year 2016 for the post of Overseer in Tirunelveli District at the appropriate place and promote him accordingly with all service and monetary benefits by setting aside the impugned order.

2.The learned counsel for the petitioner drawing the notice of this Court to the impugned order dated 26.11.2016 would submit that the name of the petitioner was not considered while drawing the panel for the year 2016 for the post of Overseer in Tirunelveli District, on the ground that he had not passed the departmental test on the crucial date namely, 01.04.2016.



3. It is further submitted that although the respondents are right in saying that the petitioner failed to pass the departmental test on 01.04.2016, it is the admitted case of both sides that the petitioner has passed the departmental test on 30.05.2016, therefore, he has become the eligible candidate for the promotional post of Overseer in Tirunelveli District for the year 2017. Hence, when the respondents are going to prepare the promotional panel for the post of Overseer for the year 2017, his name should be included as he is qualified to be included as on the crucial date of 01.04.2017 for panel of the year 2017-18. Therefore, it is pleaded, a direction may be given to consider his case for promotion to the post of Overseer for the year 2017.

4. Mr. K. Guru, learned Additional Government Pleader appearing for the respondents would submit that as and when the panel is prepared for the year 2017-18 for the post of Overseer in Tirunelveli District, the name of the petitioner will be considered and included, if he is otherwise eligible.

5. Recording the submission made by the learned Additional Government Pleader, the respondents are directed to include the name of the petitioner in the panel for the post of Overseer in Tirunelveli District for the year 2017-18, if he is otherwise eligible.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1) The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Chennai-600 009.

2) The District Collector,
Tirunelveli District,
Tirunelveli.

3) The Commissioner,
Vasudevanallur Panchayat Union,
Vasudevanallur,
Tirunelveli District.

+1cc to Mr. G. THALAIMUTHARASU ADVOCATE in SR. No. 64174

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 63943

NBI

JS/MR/KKR/SAR.2/18.7.2017/2P-6C