

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5812 of 2018

M.Nirmal

... Petitioner

Vs

- 1.State of Tamilnadu rep. by its
Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-9.
 2. Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-15.
 3. District Collector,
Kancheepuram District,
Kancheepuram.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, directing the 3rd respondent herein to forthwith re-fix the seniority of the petitioner herein in the post of Assistant w.e.f. 01.03.2011 on par with his junior and consequently consider the petitioner herein for inclusion in the panel of Assistant/Rural Welfare Officer Grade-I fit for promotion as Deputy Block Development Officer for the year 2018-2019 and promote him as Deputy Block Development Officer with all notional benefits w.e.f. 19.11.2014 on par with his junior K.Kumar.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

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O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 3rd respondent herein to forthwith re-fix the seniority of the petitioner herein in the post of Assistant w.e.f. 01.03.2011 on par with his junior and consequently consider the name of the petitioner for inclusion in the panel of Assistant/Rural Welfare Officer Grade-I fit for promotion as Deputy Block Development Officer for the year 2018-2019 and promote him as Deputy Block Development Officer with all notional benefits w.e.f. 19.11.2014 on par with his junior K.Kumar.

Junior Assistant on compassionate ground on 18.2.2008 and his service has been regularised by the Government by order dated 29.7.2015 w.e.f. 18.2.2008. While so, one Mr.K.Kumar who was appointed as Junior Assistant on 27.8.2008, subsequent to the petitioner, was given the benefit of regularisation in the said post of Junior Assistant by orders dated 19.10.2009 of the District Collector. However, the said K.Kumar was given promotion to the post of Assistant prior to the petitioner on 1.3.2011 whereas the District Collector, Kancheepuram has promoted the petitioner only on 30.8.2016.

3. Opposing the same, the petitioner has given a representation dated 28.2.2018 which was forwarded by the Block Development Officer, Uthiramerur Panchayat Union to the District Collector on the same day to re-fix the seniority of the petitioner in the post of Assistant on par with his juniors. But the same has not been considered. Hence the present Writ Petition.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader taking notice for the respondents sought for four weeks time to consider the representation of the petitioner by the 3rd respondent.

5. This Court taking note of the fact that Mr.K.Kumar who was appointed as Junior Assistant on 27.8.2008 has been given promotion to the post of Assistant on 1.3.2011 whereas the petitioner who is senior in the post of Junior Assistant has been given promotion to the post of Assistant only on 30.8.2016, hereby directs the District Collector, Kancheepuram, the 3rd respondent herein to consider and dispose of the representation of the petitioner dated 28.2.2018 which was forwarded by the Block Development Officer, Uthiramerur Panchayat Union on the same day, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

tsi

To

1. The Principal Secretary to Government,
State of Tamilnadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-9.

2. The Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-15.

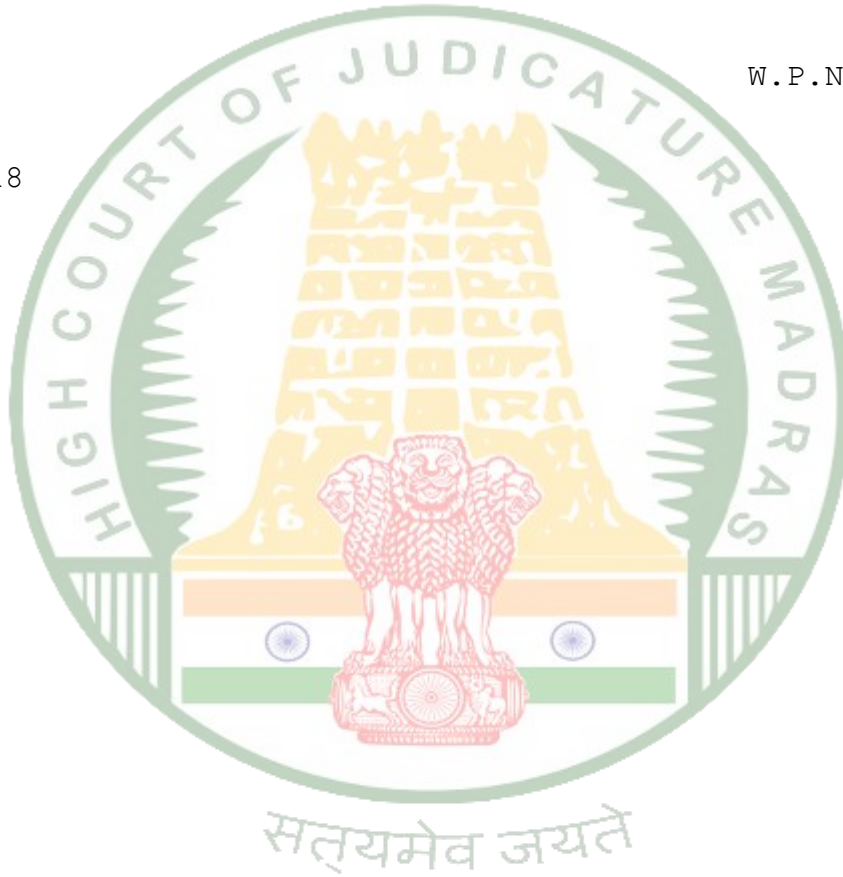
3. The District Collector,
Kancheepuram District,
Kancheepuram.

+1 cc to Mr.V.R.Rajasekaran, Advocate SR.NO. 19527

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 20502

W.P.No.5812 of 2018

SJ(CO)
JK 04/04/18



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