

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.16480 and 16481 of 2017

and

W.MP.Nos.17828 and 17829 of 2017

R.Jayakumar

... Petitioner

in W.P.No.16480 of 2017

k. Manickkavelu

... Petitioner

in W.P.No.16481 of 2017

vs.

1. State of Tamil Nadu

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

for both writ petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the entire records in the proceeding in R.C.No.1579/2017/P.A.2 dated 24.05.2017 on the file of the 3<sup>rd</sup> respondent herein and quash the same and consequently direct the 3<sup>rd</sup> respondent herein to draw a revised panel of Assistant/Rural Welfare Officer Grade-I fit for promotion as Deputy Block Development Officer by including the name of the petitioner herein based on the relaxation granted in G.O.Ms.No.55, Rural Development and Panchayat Raj (E.4) department, dated 26.05.2017 in regard to service qualification.

For Petitioners: Mr. V.R. Rajasekaran  
(for both writ petitions)

For Respondents: Mrs.A.Sri Jayanthi,  
Special Government Pleader.

O R D E R

The relief sought for in this writ petition is to quash the order passed by the 3<sup>rd</sup> respondent in proceeding dated 24.05.2017 and consequently direct the respondents to draw the revised panel of Assistant/Rural Welfare Officer Grade-I fit for promotion as Deputy Block Development Officer by including the name of the petitioner.

2. The learned counsel appearing on behalf of the writ petitioner states that, the writ petitioner is fit for the promotion to the post of Deputy Block Development Officer in accordance with seniority. However, now it is brought to the notice of this Court that a revised panel of Assistant/Rural Welfare Officer Grade-1 has already been published and the name of the writ petitioner has been deferred on the account of the reason that the disciplinary proceedings are pending before the Directorate of Vigilance and Anti-Corruption.

3. The Learned Special Government Pleader also contended that, the proceedings of the Directorate of Vigilance and Anti-Corruption is pending against the writ petitioner and therefore the writ petitioner cannot be considered for promotion to the post of Deputy Block Development Officer.

4. This Court is of an opinion that, as per the consolidated instruction issued in this record by the government for grant of promotion, it is stated that, the government employees who are facing charges are not entitled for promotion. In this case after disposal of charges, the case may be considered based on merits and accordance of law. Admittedly, the disciplinary proceedings are now pending against the writ petitioner. Thus he cannot be promoted at this point of time and after the disposal of charges and if otherwise he is eligible in accordance with rules in force, then the case of the writ petitioner shall be considered after passing the final orders in the disciplinary proceedings.

5. With these observations the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

pkn

04/09/2018

For Being Mentioned

This matter having been listed to day (i.e) on Monday, the 29.10.2018 under the Caption 'For Being Mentioned' in pursuant to the order of this Court dated 04.09.2018 made in W.P.Nos.16480 and 16481 of 2017 in the presence of the above said Advocates on either side, the Court made the following order;

The matter is listed under the caption "for being mentioned" on the perusal of the order. It is found that there is a mistake committed by the Registry while typing the matter. The order passed in W.P.No.16480 and 16481 of 2017 has been wrongly incorporated in W.P.No.16482 of 2017. In fact, the order has been wrongly typed with reference to the writ petition numbers.

2. The order passed in W.P.No.16480 and 16481 of 2017 reads as follows:-

"The learned counsel for the writ petitioners made a submission that the revised panel for promotion to the post of Deputy Block Development Officer had already been published and the writ petitioner has been promoted and thus the grievance of the writ petitioner is redressed. If any other grievances exist for writ petitioner in respect of grant of notional promotion, it is left open to him to approach the competent authority for the redressal of his grievances in respect of this present writ petition.

2. The writ petitioner already been promoted and no further adjudication to be entertained in respect of the ground praying in the writ petition.

3. Accordingly, writ petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed."

pkn

9/10/2018

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Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Principal Secretary to Government,  
State of Tamil Nadu,  
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.

+1cc to the Government Pleader Sr.61299

+2cc to Mr.V.R.Rajasekaran, Advocate Sr.73838

W.P.Nos.16480 and 16481 of 2017  
and  
W.MP.Nos.17828 and 17829 of 2017

sv[co]  
srg 04/10/2018  
srg 04/01/2019

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