



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.12180 of 2018

WEB COPY

R.Rajan

... Petitioner

-Vs-

1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.

3.The District Collector,
Thanjavur District,
Thanjavur - 613 010.

4.The Block Development Officer (Village Panchayat),
Karaikal Road,
Palavathan Kattalai,
Kumbakonam - 612 104,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the first respondent i.e. Secretary to Government, Rural Development and Panchayat Raj Department, Chennai to pass appropriate orders on the petitioner's representation dated 17.02.2018 on merits and in accordance with law regarding inclusion of his name in the approved list of Extension Officers of the year 2005 on par with his junior within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent i.e. Secretary to Government, Rural Development and Panchayat Raj Department, Chennai to pass appropriate orders on the petitioner's representation dated 17.02.2018, on merits and in accordance with law, regarding inclusion of his name in the approved list of Extension Officers of the year 2005 on par with his junior within a specified time limit.



2. Heard Mr.S.Visvalingam, learned Counsel appearing for the petitioner as well as Mr.D.Muruganantham, learned Additional Government Pleader, who takes notice for the respondents.

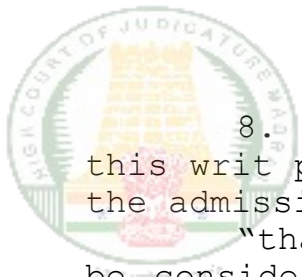
3. The learned Counsel appearing for the petitioner would submit that, the petitioner was appointed under the Compassionate Ground and subsequently, he has completed probation. However, even though his Junior has been given promotion and included in the list of Extension Officers in the year 2005, the petitioner's name was not included. Therefore, in order to include his name in the approval list of Extension Officers of the year 2005 on par with his Junior, one Mr.M.Gopalakrishnan, the petitioner submitted a detailed representation to the first respondent on 17.02.2018 and the authorities are yet to pass orders on the same.

4. The learned Counsel for the petitioner would further submit that, if the said representation of the petitioner dated 17.02.2018 is directed to be considered by the respondents and an order to that effect is directed to be passed within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

5. Per contra, the learned Additional Government Pleader appearing for the respondents, based on the written instructions given by the District Collector/third respondent herein dated 07.06.2018, would submit that, though both the petitioner and the other individual, who has been compared with by the petitioner, had been appointed under Compassionate Ground, the petitioner had completed the probation only in the year 1998, whereas, the other individual completed the same in the year 1995 itself. Moreover, the petitioner was promoted as Assistant only on 31.01.2001, whereas, the other individual was promoted as such on 19.01.2001. Therefore, the petitioner by comparing with the said individual, cannot claim any seniority and as such, his case cannot be accepted.

6. However, the said submission made by the learned Additional Government Pleader is stoutly refuted by the learned Counsel appearing for the petitioner, who would submit that, declaration of probation and confirmation, for those who had been appointed through Compassionate Ground can be done only by the Head of the Department or Secretary to Government and insofar as the petitioner is concerned, though he had completed the probation period well in advance, unnecessarily his probation was not declared and therefore, that cannot stand in the way of the petitioner to seek the claim of seniority to be included in the 2005 panel.

7. Be that as it may, the said issue cannot be resolved at this stage as the prayer sought for in this writ petition is to give a direction to consider and pass orders on the representation of the petitioner.



8. In view of the limited scope of the prayer sought for, this writ petition is disposed of, with the consent of both sides at the admission stage itself, with the following direction:

"that the petitioner's representation dated 17.02.2018 shall be considered by the first respondent and an order to that effect shall be passed on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is open to the authorities to take a decision based on merits, where the stand now taken by the respondents as well as the petitioner can also be taken care of and a reasoned order ultimately be passed as indicated above. There shall be no order as to costs."

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
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- 2.The Commissioner of Rural Development and
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Kumbakonam - 612 104,
Thanjavur District.

+1CC to Mr.S.Visvalingam, Advocate, SR.No.67315

W.P. (MD) No.12180 of 2018
08.06.2018

GK

ES/SKN/RSK/SAR 1/02.11.2018/3P/6C