



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.1422 of 2018

T.Muthuramakrishnan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Director of Rural Development,
Kuralagam, Chennai - 600 101.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.K.Govindaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders passed by the third respondent in Na.Ka.Va2/Va.Ku.Pa.No.11/2004 dated 08.01.2011 and the consequential order passed in Pa.Ve.Va6/425/2017 dated 03.02.2017, quash the same and consequently direct the respondents 1 to 3 to grant promotion to the petitioner to the post of Block Development Officer with effect from 03.11.1998 with all service and monetary benefits.

For petitioner : Mr.M.Siddharthan

For respondents : Mr.Jeyakumar,
Additional GovernmentPleader for R1 to R3

**ORDER**

Heard the learned counsel on either side.

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2.The petitioner joined service as a Cashier on 14.03.1962. He became Rural Welfare Officer Grade-I on 22.04.1987., He was promoted further as Extension Officer on 31.07.1996. Admittedly, the fourth respondent herein K.Govindaraj was junior to the writ petitioner. However, he was promoted as Deputy Block Development Officer by order dated 03.11.1998. That was questioned by the petitioner by filing O.A.4943 of 2000. The same was transferred to this Court and re-numbered as WP.No.41612 of 2006.

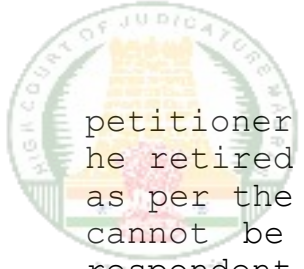
3.The writ petitioner's prayer was opposed by the department by raising a number of factual points. They have been summarised in Paragraph No.5 of the order dated 30.09.2010 made in WP.No.41612 of 2006. The petitioner reached the age of superannuation on 30.06.2000 and that he retired from service. This Court while allowing the earlier writ petition and quashing the order dated 03.11.1998 made in favour of the fourth respondent herein, observed as follows :

7.From the reply affidavit, it is clear that the third respondent did not find place in the cadre of Deputy Block Development Officer in the revised panel dated 23.01.1999, issued by the first respondent. In view of the reply affidavit, the impugned order dated 03.11.1998 was revised by the first respondent itself. It is stated that O.A.No.2490 of 1999 (W.P.No.38397 of 2006) was dismissed by this Court. Therefore, the revised panel dated 23.01.1999 of the first respondent was ultimately upheld.

8.Hence, the impugned order dated 03.11.1998 of the second respondent is liable to be set aside and the same is set aside. However, whether the petitioner is entitled to promotion as Deputy Block Development Officer or not has to be considered by the respondents 1 and 2.

9.The respondents 1 and 2 are directed to consider the claim of the petitioner for the post of Deputy Block Development Officer and to promote him from the date on which his immediate junior was promoted on notional basis and to grant him all terminal benefits within a period of eight weeks from the date of receipt of a copy of this order, if he is otherwise eligible.

4.Pursuant to the direction given by this Court, the third respondent passed the impugned order dated 08.01.2011. The reason for declining to grant relief to the petitioner is that the



petitioner reached the age of superannuation on 30.06.2000 and that he retired from service before his junior could be granted promotion as per the seniority list. The reason set out in the impugned order cannot be accepted. The petitioner's junior namely, the fourth respondent herein was given promotion vide order dated 03.11.1998. When that order was set aside obviously, the petitioner has not been considered for promotion to the said post. It is this direction which this Court granted on the earlier occasion. But, the third respondent without considering the case of the petitioner from a proper perspective has given an unacceptable reason. It is not sustainable in law.

5. In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to give notional promotion to the petitioner with effect from 03.11.1998. Consequential benefits payable to the petitioner in terms of the revision of pension and etc., will also be sanctioned within a period of eight weeks from the date of receipt of a copy of this order.

6. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Secretariat,
Chennai - 600 009.
2. The Director of Rural Development,
Kuralagam, Chennai - 600 101.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1CC to Special Government Pleader in SR.No.52975.

+1CC to M/s.P.Kaliyarasi Bharathi Advocate in SR.No.52624.

SKM

DS/SV/SAR-2 :12.07.2018: 3P/6C