

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.04.2018****CORAM:****THE HONOURABLE MR. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 9105 of 2018**

M.Baskaran

... Petitioner

-Vs-

1. The Commissioner of Rural
Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai.

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

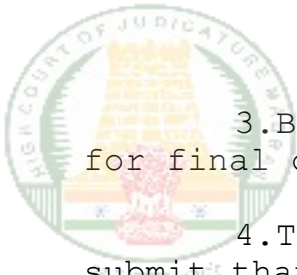
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent i.e., the Commissioner of Rural Development and Panchayat Raj, Chennai to pass appropriate orders on merits and in accordance with law on the petitioner's appeal dated 15.04.2013 praying notional promotion as Junior Assistant as per the approved list of Junior Assistant of the year 2007-08 on par with the petitioner's juniors so as to get service seniority for further elevation within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.K.Saravanan,
Government Advocate.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the first respondent i.e., the Commissioner of Rural Development and Panchayat Raj, Chennai to pass appropriate orders on merits and in accordance with law on the petitioner's appeal dated 15.04.2013 praying notional promotion as Junior Assistant as per the approved list of Junior Assistant of the year 2007-08 on par with the petitioner's juniors so as to get service seniority for further elevation within a specified time frame that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner, and Mr.K.Saravanan, learned Government Advocate, who accepts notice on behalf of the respondents.



3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner would submit that the petitioner's name was included in the approved list fit for promotion to the post of Junior Assistant by proceedings of the second respondent dated 18.06.2008. However, as per the said approval, the petitioner was not given immediate promotion and belatedly, only on 23.07.2012 promotion was given to the petitioner as Junior Assistant. Therefore, aggrieved over the said delayed promotion given to the petitioner as Junior Assistant, against the said order of the second respondent dated 23.07.2012, the petitioner had preferred an appeal on 15.04.2013 to the first respondent, who is the appellate authority. However, the said appeal was not so far considered and no order was forthcoming from the first respondent.

5. Therefore, the learned counsel appearing for the petitioner would submit that if a direction is given by this Court to the first respondent to decide the said appeal of the petitioner dated 15.04.2013, within a time frame and order to that effect is directed to be passed, the petitioner would be satisfied.

6. Mr. K. Saravanan, learned Government Advocate appearing for the respondents would submit that since the appeal is of the year 2013, probably it would have been decided. Therefore, if at all the appeal so far has not been decided by the first respondent, it shall be considered and decided within a time frame that may be stipulated by this Court.

7. Considering the said submissions made by both sides, this Writ Petition is disposed of with the following direction:-

"that the first respondent is directed to decide the appeal filed by the petitioner dated 15.04.2013 and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

No costs.

Sd/-
Assistant Registrar (CS1)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Rural
Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai.



2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+ 1 CC TO MR.Special Government Pleader IN SR No.63321
+ 1 CC TO MR.S.Visvalingam , ADVOCATE IN SR No.62970

Myr

KK/KKR/SAR 1/17/05/2018/3P/5C

W.P (MD) No. 9105 of 2018
24.04.2018