



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 7358 of 2014

and

MP (MD) No. 1 of 2014

R. Samuel

... Petitioner

**Vs.**

1. The Commissioner of Rural  
Development and Panchayat Raj,  
Saidapet, Chennai - 600 015.

2. The District Collector,  
Thoothukudi District,  
Thoothukudi.

... Respondents

**Prayer:** These writ petitions are filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in proceedings in Na.Ka.No.6/19756/2013, dated 08.06.2013 rejecting the petitioner's request for promotion to the post of Junior Assistant under the 10% quota provided under G.O.Ms.No.189, Rural Development (E5) Department, dated 10.06.1997 and quash the same and promote the petitioner as Junior Assistant under the said quota and as per the integrated seniority list for promotion from various low level posts to the post of Junior Assistant published vide the proceedings of the second respondent herein in Lr.Memorandum No.Val2/64408/2004, dated 09.09.2005, prepared as per G.O in G.O.Ms.No.189, Rural Development (E5 Department) dated 10.06.1997, in which the petitioner's name finds place in Sl.No.6.

For petitioner

: Mr.P.Mahendran

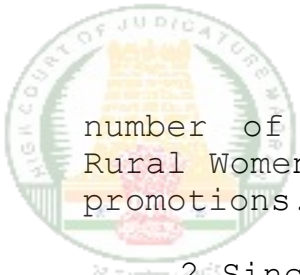
For Respondents

: Mr.J.Gunaseeln Muthaiah,

Additional Government Pleader

**ORDER**

The petitioner is working in Thoothukudi Panchayat Union office as Electrician Helper. He joined the said post way back in the year 1993. For the last 25 years, he is languishing in the very same cadre. The Government of Tamil Nadu issued G.O.Ms.No.189, Rural Development (E5 Department) dated 10.06.1997 for granting promotion to such persons who were languishing in the same cadre without any promotional opportunities. Based on the said Government Order, a



number of employees such as Office Assistants, Night Watchmans, Rural Women Welfare Organizer, Tailoring Teachers etc., were granted promotions.

2. Since the post of Electrician Helper was not mentioned in the said Government Order dated 10.06.1997, the petitioner was denied promotion. One Srinivasa Perumal who was employed as Skilled Assistant and which post is not referred in G.O.Ms.No.189, dated 10.06.1997 filed WP(MD)No.390 of 2007 before this Court. This Court by order dated 16.07.2009 allowed the said writ petition. This Court while allowing the writ petition, took the view that the list of posts mentioned in Clause 4 of the said Government order is not exhaustive and it is only illustrative.

3. Adopting the very same reasoning, this Court is now inclined to hold that the writ petitioner's case deserves to be considered and relief granted to the said Srinivasa Perumal should also be extended to the petitioner herein. Therefore, the order impugned in the writ petition is quashed and the first respondent is directed to grant promotion to the writ petitioner to the post of Junior Assistant. Such an appointment order shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

**To**

1. The Commissioner of Rural Development and Panchayat Raj, Saidapet, Chennai - 600 015.
  2. The District Collector, Thoothukudi District, Thoothukudi.
- + 1 CC TO Mr.P.MAHENDRAN, ADVOCATE IN SR No. 46126  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46544

SKM

TE/CVC/SAR-4 : 16/03/2018 : 2P/5C