



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.03.2018

Pronounced on : 04.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.24155 of 2017

and

W.P. (MD) .Nos.20275 and 20276 of 2017

WEB COPY

V.Murugesan

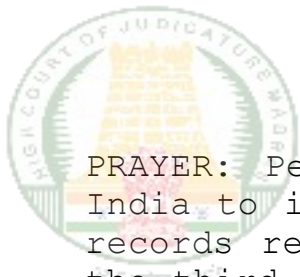
... Petitioner

Vs.

1. The Secretary to Government,
Department of Rural Development and Panchayat Raj,
St, George Fort, Chennai-600 009.
2. The Director of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai-600 015.
3. The District Collector,
Karur District, Karur.
4. Arputharaj,
Assistant, K.Paramathi Union,
Karur District.
5. V.Rajesh Kumar,
Assistant, Development Section,
District Collectorate, Karur.
6. P.Jeganathan,
Assistant, Development Section,
District Collectorate, Karur,
Now Rural Welfare Officer,
Kadavur Panchayat Union, Karur District.
7. K.Thiruvankadam,
Assistant, Small Savings Section,
District Collectorate, Karur.
8. K.Vivekananthan,
Assistant / Accountant (Planning),
District Collectorate, Karur.
9. V.Krishnakumar,
Assistant, Panchayat Union,
Krishnarayapuram, Karur District.

10. K.Parmeshwarar,
Assistant, Panchayat Union, Karur.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of Fixation of Seniority passed by the third respondent dated 29.04.2016 in Na.Ka.Pa.va4/2309/2014 in respect of S.Nos.1 to 7 and the consequential order of the third respondent dated 23.02.2017 in Na.Ka.Pa.Va9/7073/2016 and quash the same and directing the second and third respondents to restore the petitioner's seniority and promote the petitioner for the post of Block Development Officer immediately with service and monetary benefits.

For petitioner : Mr.ARL.Sundaresan
Senior Counsel for
Mr.P.Srinivas
For R1 to R3 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R4 to R10 : Mr.S.Balamurugan

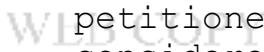
O R D E R

The petitioner is presently working as Deputy Block Development Officer. He was appointed as Panchayat Clerk on 01.11.1996. He became a Junior Assistant on 08.08.2008 by way of promotion. He was promoted as Assistant on 24.02.2011. Thereafter, he was promoted as Deputy Block Development Officer on 16.07.2013. The petitioner's seniority was fixed at Serial No.124 in the cadre of Assistant. However, the tentative seniority list was issued on 29.04.2016 placing the private respondents herein above the writ petitioner by introducing Serial Nos.123(a) to 123(g). The writ petitioner submitted his objections on 05.07.2016. However, without considering the same, the impugned order has been passed on 23.02.2017. The same is assailed in this Writ Petition.

2.Heard the learned Senior Counsel appearing for the petitioner as well as the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel appearing for the private respondents.

3.Though elaborate submissions were advanced on merits on either side, this court does not propose to go into the same. It is a fact that the petitioner was promoted as Assistant prior to the private respondents herein. He also became a Deputy Block Development Officer earlier in point of time.

4.The case of the respondents is that though they are <https://hcservices.courts.gov.in/hcservices/> appointees, they entered into service as Junior Assistants before the petitioner who was promoted to the said post from the post of Panchayat Clerk.



1. The Secretary to Government,
Department of Rural Development and Panchayat Raj,
St, George Fort, Chennai-600 009.

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



3. The District Collector,
Karur District, Karur.

+1cc to Mr.P.Srinivas, Advocate Sr.No.66831

+1cc to Mr.S.Balamurugan, Advocate Sr.No.66514

TSG

VB/KKR/SAR2/13.06.2018/4P/6C

ORDER MADE IN
W.P. (MD) No. 24155 of 2017
04.06.2018