

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20372 of 2010

K.Loganathan

...Petitioner

Vs.

1.The Director of Rural Development
and Panchayat Raj
Panagal Buildings, Chennai 600 015

2.The Collector
Villupuram
Villupuram District

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.Pa A3/7456/2010 dated 27.07.2010 and quash the same and direct the respondents to give the petitioner notional promotion as Extension Officer with effect from 02.08.1991 and further promotions on that basis as Deputy Block Development Officer and Block Development Officer and grant him all consequential benefits.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.K.S.Suresh, G.A.

O R D E R

This petition has been filed by the petitioner to call for the records relating to the impugned order of the second respondent in Na.Ka.No.Pa A3/7456/2010 dated 27.07.2010 and quash the same and direct the respondents to give the petitioner notional promotion as Extension Officer with effect from 02.08.1991 and further promotions on that basis as Deputy Block Development Officer and Block Development Officer and grant him all consequential benefits.

2.The writ petitioner submitted that while he was working as Rural Welfare Officer, a charge memo was issued to him by the 2nd respondent. Based on the charge memo, enquiry was conducted by the respondent for the charges framed against the petitioner for the involvement in sanction of loans to fictitious persons and the 2nd respondent passed an order in ROC No.PA.2/25802/83 dated 23.12.1988, imposing the penalty of stoppage of increment for five years with cumulative effect. Aggrieved by the aforesaid order, the petitioner preferred an Appeal before the Director of Rural Development, Chennai / 1st respondent to set aside the order of the 2nd respondent. The 1st respondent vide order dated 25.06.1996 in ROC No.119033/91/IPC-II.I, set aside the order passed by the 2nd respondent and remanded the matter back to the 2nd respondent with direction to start de nova proceedings from the stage at which the defect had crept in. The 2nd respondent following the directions of the 1st respondent passed final order in ROC No.PA.3/4930/1994 by imposing the punishment of reduction in rank as Junior Assistant at the beginning of the scale of pay permanently.

3.Assailing the said order of punishment, the petitioner filed O.A.No.9412 of 1997 before the Tamil Nadu Administrative Tribunal, Chennai and the same was transferred to this Court and renumbered as W.P.No.13344 of 2006. The said writ petition was allowed on 09.06.2009 as follows:

"Hence the writ petition is allowed and the order of the punishment imposed on the petitioner is set aside. The respondents are directed to consider the case of the petitioner as if he retired without any reversion to the lower post and accordingly, fix his last drawn pay and calculate the pension and other terminal benefits on the basis of the said pay. But the petitioner is not liable to get any monetary benefits on account of his reversion being set aside since he has not worked in the higher post during the said period. But however he is entitled to get all arrears of pension and other terminal benefits on account of his reversion being set aside".

4.Accordingly, the second respondent settled the arrears of pensionary benefits to the petitioner. Thereafter, the petitioner approached the 2nd respondent to grant promotion by submitting a representation dated 26.07.2010 to promote him as Extension Officer with effect from 02.08.1991 on par with Mr.Gununathan and further promotion as Deputy Block Development Officer and Block Development Officer on notional basis with all consequential benefits. The aforesaid request made by the petitioner was rejected by the 2nd respondent. Hence, the petitioner is before this Court seeking setting aside of the

passed by the 2nd respondent in Na.Ka.No.Pa A3/7456/2010 dated 27.07.2010.

5.The learned Government Advocate appearing for the respondents filed counter and has stated that as per the order of this Court in W.P.No.13344/2006, the 2nd respondent had settled the amount as claimed by the petitioner. The representation made by the petitioner to promote him on par with his juniors was not considered by the respondents as the petitioner had to complete service qualifications for promotion to the post of Extension Officer (i.e.) each one year Service in the post of Assistant and Rural Welfare Officer Grade-1.

6.The learned Government Advocate also submitted in his counter that the petitioner had completed service qualifications for promotion to the post of Extension Officer (i.e.) each one year Service in the post of Assistant and Rural Welfare Officer Grade-1 only on 22.06.1996. Since the petitioner attained the age of superannuation on 30.09.1997, he was not eligible for further promotion as his junior Thiru N.Shanmugam was promoted to the post of Deputy Block Development Officer only on 17.02.1999.

7.Further, on a perusal of the order passed by this Court in W.P.No.13344 of 2006 dated 09.06.2009, it is seen that the 2nd respondent had settled all the pensionary and other terminal benefits by taking into account of the last drawn pay as an Assistant. The respondent had also stated in the counter that the petitioner is not eligible for promotion as certain service qualifications are to be acquired by him for promotion as per Service Rules. The petitioner should have completed service qualifications for promotion to the post of Extension Officer i.e. each one year service in the post of Assistant and Rural Welfare Officer Grade-I. Further, the aforesaid order was passed only after his attaining superannuation. The petitioner has also not sought for any liberty to approach the authority for promotion when this court passed the final order for granting relief of pensionary benefits as well as the terminal benefits.

8.Considering the aforesaid submissions, this court finds that the order passed by the 2nd respondent is perfectly valid and nothing warrants interference of this Court. The petition filed by the petitioner is devoid of merits and liable to be dismissed.

9.This writ petition stands dismissed accordingly. No costs. Consequently, connected miscellaneous petition if any also stands dismissed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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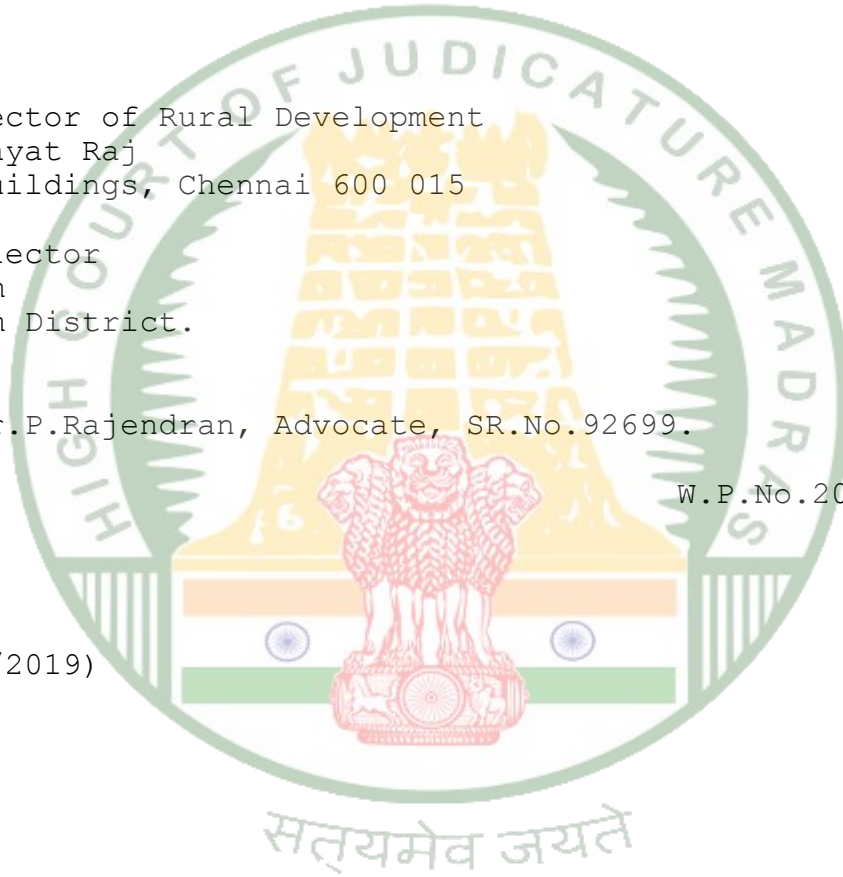
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+1CC to Mr.P.Rajendran, Advocate, SR.No.92699.

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RR (CO)
CSR(10/12/2019)



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