

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30810 of 2019

and W.M.P.No.30890 of 2019

A.Muthuganapathy

..Petitioner

vs

1.State of Tamil Nadu rep. by its
Principal Secretary to Government
Department of Rural Development & Panchayat Raj
Fort. St. George, Chennai-09.

2.The Director
Commissionerate of Rural Development & Panchayat Raj
Panagal Building
Saidapet, Chennai-600 015.

3.The District Collector
Kancheepuram District
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to consider the representation dated 27.09.2019 of the petitioner herein as per the instructions issued in Government Lr.No.21072/@7/2001-3 dated 31.01.2002 for fixing the seniority of the petitioner herein in the post of Assistant on par with his Junior and then consider his claim for promotion as Deputy Block Development Officer in accordance with the instructions issued in Government Lr.No.13400/S/2007-6, Personnel and Administrative Reforms (S) Department dated 11.09.2009 and include the name of the petitioner in the appropriate panel of Assistants fit for promotion as Deputy Block Development Officer without insisting one year service qualification in the post of Assistant and extend all monetary benefits notionally on par with his junior S.Ambika Devi.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Ms.M.Lalitha
Government Advocate

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus directing the 3rd respondent to consider the representation dated 27.09.2019 of the petitioner herein as per the instructions issued in Government Lr.No.21072/?7/2001-3 dated 31.01.2002 for fixing the seniority of the petitioner herein in the post of Assistant on par with his junior and then consider his claim for promotion as Deputy Block Development Officer in accordance with the instructions issued in Government Lr.No.13400/S/2007-6, Personnel and Administrative Reforms (S) Department dated 11.09.2009 and include the name of the petitioner in the appropriate panel of Assistants fit for promotion as Deputy Block Development Officer without insisting one year service qualification in the post of Assistant and extend all monetary benefits notionally on par with his junior S.Ambika Devi.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was appointed as Junior Assistant on 28.02.2009 on compassionate ground. Petitioner is presently working as Junior Assistant. He overlooked for promotion to the post of Assistant and then Deputy B.D.O. due to administrative delay in regularising his appointment in the post of Junior Assistant on compassionate ground. Thereafter, the petitioner has made a representation to the 3rd respondent on 27.09.2019 for revising his seniority on par with his junior by giving notional promotion in the post of Assistant. However, the petitioner's representation was not considered by the respondents till date. Hence this writ petition.

4. Learned counsel appearing for the petitioner submitted that though the petitioner joined in the year 2009 and his probation is completed within the period of two years, his probation was declared, which came into effect in the year 2012 and on the crucial date of promotion to the post of Assistant, there was no charge pending against the petitioner. Accordingly, the petitioner is entitled to claim promotion to the post of Assistant on par with his junior in the year 2012 and further promotion to the post of Deputy Block Development Officer. He further submitted that this Court need not issue a direction to the 3rd respondent to consider his representation claiming promotion to the post of Block Development Officer. It would suffice, if this Court issues direction to the 3rd respondent to consider the petitioner's representation claiming notional

promotion to the post of Assistant with monetary benefits within the reasonable time.

5. Learned Government Advocate appearing for the respondents has also conceded the request made by the learned counsel appearing for the petitioner.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the 3rd respondent to consider the petitioner's representation dated 27.09.2019 seeking notional promotion to the post of Assistant with monetary benefits and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Department of Rural Development & Panchayat Raj
Fort. St. George, Chennai-09.

2. The Director
Commissionerate of Rural Development & Panchayat Raj
Panagal Building
Saidapet, Chennai-600 015.

3. The District Collector
Kancheepuram District
Kancheepuram.

+1cc to Mr.V.R.Rajasekaran, Advocate sr.90185
+1cc to Government Pleader SR.NO. 90683

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mr(co)
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