

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.32884 of 2019

A.PICHANDI

...

Petitioner

Vs

- 1 The Secretary to Government
Rural Development and Panchayat Raj
Department, Fort St. George,
Chennai 600 009
 - 2 The Director of Rural Development
and panchayat Raj Department,
Panagal Buildings, Saidapet,
Chennai 600 015.
 - 3 The District Collector,
Villupuram District,
Villupuram
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, Directing the second respondent to forward the proposals / recommendations dated 16.08.2018 made by the third respondent to the first respondent for considering the grant of relaxation as required under Rule 3 of the Tamilnadu Rural Development Sub-Ordinate Service Rules to grant notional promotion to the petitioner from the date on which his junior one Eleangovan came to be promoted as Assistant and to confer all consequential monetary benefits.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mrs.R.Janaki, AGP

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O R D E R

- 1.The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the second respondent to forward the proposals / recommendations dated 16.08.2018 made by the third respondent to the first respondent for considering the grant of relaxation as required under Rule 3 of the Tamilnadu Rural Development Sub-Ordinate Service Rules to grant notional promotion to the petitioner

from the date on which his junior one Eleangovan came to be promoted as Assistant and to confer all consequential monetary benefits.

2. Heard both sides.

3. According to the petitioner, the petitioner was selected as Junior Assistant by the Tamilnadu Public Service commission on 27.08.1987 and appointed in the Panchayat Department of the then undivided South Arcot District and joined in service. As per the service Rules, a member of service has to pass departmental test within five years from the date of entry into service for to complete the probation and to get further promotion to the post of Assistant. On 14.05.1994 the petitioner passed the department test after the five years and the proposals were forwarded to the Government to condone the delay / grant relaxation from passing the test within five years. The Government passed orders in G.O.Ms.No.515 dated 07.11.2003 , Rural Development Department granting exemption / relaxation from passing the test within five years and also declared that the petitioner completed the probation from the date of passing the test i.e.14.05.1994. The grievance of the petitioner is that the name of the petitioner was not included in the panel of the year 1995-96 but got promoted only in 1998 as the respondents taken note of the date of passing the test and also not drawn the panel for promotion to the post of Assistant every years. On 04.01.2017 the petitioner made a representation to the respondents to grant notional promotion from the date on which his junior got promoted to the post of Assistant and the consequential promotion, the third respondent forwarded the proposals to consider the grant of exemption as required under Rule 3 of the Special Rules, however till date the grievance of the petitioner has not been redressed. Hence this Writ petition.

4. The learned counsel for the petitioner would submit that the petitioner is admittedly senior in the category of Junior Assistant but not included in the panel on the ground that he did not pass the department test within the prescribed period. Though the third respondent forwarded the petitioner's proposal to consider the grant of exemption so as to consider the notional promotion to the petitioner and the same is pending. Hence, the learned counsel would pray that it would suffice if this Court directs the second respondent to forward the recommendations made by the third respondent dated 16.08.2018 to the first respondent to pass appropriate orders in accordance with law.

5. The learned Additional Government Pleader appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the recommendations made by the third respondent dated 16.08.2018 would be forwarded to the first respondent to pass appropriate orders in accordance with

law.

- 6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the second respondent to forward the recommendations made by the third respondent dated 16.08.2018 to the first respondent to pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
- 7.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(JJ ACT)

//True Copy//

Sub Assistant Registrar

jrs
To

- 1 The Secretary to Government
Rural Development and Panchayat Raj
Department, Fort St. George,
Chennai 600 009
- 2 The Director of Rural Development
and panchayat Raj Department,
Panagal Buildings, Saidapet,
Chennai 600 015.
- 3 The District Collector,
Villupuram District,
Villupuram.

+1cc to Mr.s.kamadevan , Advocate SR.No. 97849
+1 cc to Government Pleader Sr.No. 98455

सत्यमेव जयते

W.P.No.32884 of 2019

A.SK(19/02/2020)

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