

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE DR..JUSTICE S.VIMALA

WP.No.33245 of 2018
WMP.No.38584 of 2018

N.S.Usha

...Petitioner

Vs

- 1.Government of Tamilnadu,
Rep. By Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-9.
- 2.The Director of Rural Development &
Panchayat Raj Department, Chennai-15.
- 3.The District Collector,
Collectorate, Namakkal District,
Namakkal.

...Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to include the name of the Petitioner in the appropriate place, in the ensuing panel of promotion to the post of Assistant Director of Rural Development and Panchayat Raj Department for the year 2018-19 and to promote the Petitioner as Assistant Director of Rural Development and Panchayat Raj Department, with all consequential benefits, without prejudice to the petitioner's right to claim empanelment and promotion to the said post for the panel year 2015-16.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Rajendra Prazad
Additional Government Pleader

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.K.Rajendra Prazad, the learned Additional

Government Pleader takes notice for the Respondents.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The prayer in this Writ Petition is to direct the respondents to include the name of the Petitioner, in the appropriate place, in the ensuing panel of promotion to the post of Assistant Director of Rural Development and Panchayat Raj Department for the year 2018-19 and to promote the Petitioner as Assistant Director of Rural Development and Panchayat Raj Department, with all consequential benefits, without prejudice to the petitioner's right to claim empanelment and promotion to the said post for the panel year 2015-16.

4. The case of the Petitioner is that he was appointed on 12.01.1987 and thereafter, he was promoted as Extension Officer (Panchayat) on 20.12.2006. During the year 2008, he was further promoted to the post of Deputy Block Development Officer and on 30.12.2009, he was promoted as Block Development Officer. By order dated 21.12.2015, on account of currency of punishment during the year 2015-2016 for the post of Assistant Director, the name of the Petitioner was deferred. Like wise, in the 2nd and 3rd panels for promotion as Assistant Director, for the years 2016-2017 and 2017-2018 respectively, the name of the Petitioner was deferred. The date of expiry of penalty, including the date of medical leave availed by the Petitioner would be 25.02.2018. But, the crucial date for panel for the year 2018-2019 is 01.03.2018. Contending that the Petitioner is eligible for consideration for inclusion of his name in the appropriate place at S.No.1 in the above said panel for the year 2018-2019, the Petitioner had made a representation dated 17.09.2018 to the Respondents. Since the said representation is not considered so far, this Writ Petition has been filed, seeking the relief as stated above.

5. However, the learned counsel for the Petitioner has now confined his argument to the limited extent of directing the 1st Respondent to dispose of the representation of the Petitioner, dated 17.09.2018, on merits and in accordance with law, within a time to be fixed by this Court.

6. Though the prayer sought for in this Writ Petition is for a larger relief, considering the limited prayer now sought for by the learned counsel for the Petitioner, without going into the merits of the case, the 1st Respondent is directed to consider the representation of the Petitioner, dated 17.09.2018, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Srcm

To

1.Government of Tamilnadu,
Rep. By Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-9.

2.The Director of Rural Development &
Panchayat Raj Department, Chennai-15.

3.The District Collector,
Collectorate, Namakkal District,
Namakkal.

+1cc to the Government Pleader, S.R.No.1914

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KJ(CO)
GSP(08/02/2019)