

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.6579 of 2019**

R.Sankaranarayanan

... Petitioner

Vs.

1.The State of Tamil Nadu,

Rep. by its Additional Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 9.

2.The State of Tamil Nadu,

Rep. by its Secretary to Government,
Personnel Administrative Reforms (M) Department,
Secretariat, Chennai - 9.

3.The Secretary,

The Tamil Nadu Public Service Commission,
O/o.The Tamil Nadu Public Service Commission Office,
Chennai - 3.

4.The Director,

Rural Development and Panchayat Raj Department,
Panagal Maligai, Chennai - 9.

5.The District Collector,

Madurai District, Madurai.

6.The Personal Assistant to District Collector,

O/o.The District Collector Office,
Madurai District, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first, second and fourth respondents to make appropriate modification in G.O.(3g)No.24, Rural Development and Panchayat Raj (I3), Department dated 09.04.2018 for the purpose of seniority and consequential promotion with retrospective effect on par with the juniors of the petitioner in pursuant to the proposals submitted by the fifth respondent vide his proceedings Na.Ka.No.23118/2009/Uo.Va.3, dated 18.07.2018 and the another proposal submitted by the fifth respondent vide proceedings Na.Ka.No.23118/2009/Uo.Va.3, dated 21.12.2018.



For Petitioner : Mr.H.Mohamed Imran,
for M/s.Ajmal Associates

For Respondents : Mr.V.Anand,
Government Advocate.

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ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first, second and fourth respondents to make appropriate modification in G.O.(3g)No.24, Rural Development and Panchayat Raj (I3), Department dated 09.04.2018 for the purpose of seniority and consequential promotion with retrospective effect on par with the juniors of the petitioner in pursuant to the proposals submitted by the fifth respondent, dated 18.07.2018 and 21.12.2018.

2.Heard Mr.H.Mohamed Imran, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.The grievance of the petitioner is that he was appointed as a Junior Assistant on compassionate grounds and his service was not regularized. Hence, the petitioner filed a Writ Petition in W.P(MD) No.1250 of 2018 seeking to regularize his service and this Court, by order, dated 27.02.2018 allowed the Writ Petition. Pursuant to the same, the first respondent vide G.O(3g)No.24, Rural Development and Panchayat Raj (I3) Department, dated 09.04.2018, regularized the petitioner's service with effect from 17.03.2007, however, on condition that he was not entitled for any promotion. Aggrieved by the said G.O(3g)No.24, Rural Development and Panchayat Raj (I3) Department, dated 09.04.2018, the petitioner submitted a representation to the first respondent on 30.05.2018. The first respondent vide proceedings, dated 20.06.2018 forwarded the petitioner's representation to the fourth respondent, who in turn, vide proceedings, dated 02.07.2018 forwarded his application to the fifth respondent, with a request to send the proposal to take appropriate action. The fifth respondent vide proceedings, dated 18.07.2018 forwarded the proposal to the fourth respondent and the said proposal is still pending on the file of the fourth respondent and no action has been taken so far. Hence, the petitioner submitted a representation to the respondents on 22.02.2019 and since no response is forthcoming, the petitioner is before this Court.

4.Today, the learned Government Advocate appearing for the respondents produced a letter of the first respondent, dated 21.03.2019 and submitted that the petitioner's case will be considered by the second respondent within a time frame fixed by this Court.

5.In view of the above, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's case on the basis of the letter of the first



respondent, dated 21.03.2019, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Additional Secretary to Government,
The State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 9.
2. The Secretary to Government,
The State of Tamil Nadu,
Personnel Administrative Reforms (M) Department,
Secretariat, Chennai - 9.
3. The Secretary,
The Tamil Nadu Public Service Commission,
O/o. The Tamil Nadu Public Service Commission Office,
Chennai - 3.
4. The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Chennai - 9.
5. The District Collector,
Madurai District, Madurai.
6. The Personal Assistant to District Collector,
O/o. The District Collector Office,
Madurai District, Madurai.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-60347[F] dated 11/04/2019)
+1 CC to M/s. SPL GP (SR-60770[F] dated 12/04/2019)

W.P(MD) No. 6579 of 2019
10.04.2019