



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.15786 of 2019

and

W.M.P.(MD) No.12524 of 2019

Nadarajan

...Petitioner

Vs.

1.The Commissioner,
Rural Development and Panchayats,
Chennai - 15.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

...Respondents

PRAYER: 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 2nd respondent dated 08.10.2018 made in Na.Ka.No.V3/3144/2018(9), and quash the same and direct the respondents herein to place the seniority of the petitioner in the cadre of Assistant with effect from 12.11.2012 and confer all consequential service and monetary benefits to the petitioner.

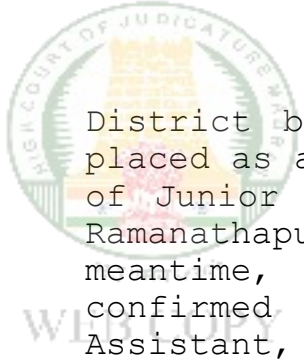
For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order dated 08.10.2018 passed in Na.Ka.No.V3/3144/2018(9) by the second respondent and to direct the respondents to place the seniority of the petitioner in the cadre of Assistant with effect from 12.11.2012.

2.According to the petitioner, he was appointed as Junior Assistant on 03.06.2009 in Panchayat Union Office, Cunnoor, Nilgris District. At his request, he was transferred to Ramanathapuram



District by the second respondent on condition that he would be placed as a last person among the approved probationers in the cadre of Junior Assistant. Thereafter, he was promoted as Assistant at Ramanathapuram District by an order dated 12.11.2012. In the meantime, on 04.10.2017, the second respondent has issued a confirmed seniority list of the year 2014-2015 for the cadre of Assistant, in which, the petitioner's name was included. After that, the petitioner made a representation to the second respondent on 22.11.2017, pointing out that he has already been promoted as Assistant on 12.11.2012 and hence, he should be placed in the year 2012 seniority list and not in 2014-2015 seniority list. Without considering the said representation dated 22.11.2017, the second respondent has passed the impugned order dated 08.10.2018 by stating that the petitioner was transferred from Nilgris District to Ramanathapuram District and joined in the present unit as an Assistant. Hence, challenging the said order dated 08.10.2018, the petitioner is before this Court.

3.The learned Stating Counsel appearing for the respondent, on instructions, would submit that due to some error, the petitioner's name has been included in the confirmed seniority list of the year 2014-2015 for the cadre of Assistant.

4.In view of the submission made by the learned Standing Counsel and considering the facts and circumstances of the case, this Court has no hesitation to quash the impugned order dated 08.10.2018 and is inclined to pass the following directions:

(i) the impugned order dated 08.10.2018 passed by the second respondent is hereby quashed and the matter is remitted back to the second respondent to pass appropriate orders on merits and in accordance with law by taking note of the aforesaid submission of the parties afresh; and

(ii) the second respondent is further directed to consider the appeal petition preferred by the petitioner with regard to the confirmed seniority list of the year 2018-2019, after affording due opportunity of hearing to the parties concerned, within a period of six weeks from the date of receipt of a copy of this order;

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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To

1.The Commissioner,
Rural Development and Panchayats,
Chennai - 15.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-77030[F] dt.23/07/2019)

+1 CC to M/s.SPL GP (SR-77221[F] dated 24/07/2019)

W.P. (MD) No.15786 of 2019
23.07.2019

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JMN(19.08.2019) 3P : 5C