



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.905 of 2019

and

CMP (MD)No.8136 of 2019

R.Geetha

.. Appellant / Petitioner

Vs.

1.The Principal Secretary / Commissioner
Rural Development & Panchayat Raj,
Chennai.

2.The District Collector,
Ramanathapuram District.

3.Project Director,
District Rural Development Agency,
Ramanathapuram.

4.The Assistant Director
Rural Development (Panchayat)
Ramanathapuram.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.14639 of 2019 dated 01.07.2019.

Prayer in WP(MD) . 14639/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating with the impugned panel list issued by the 2nd respondent vide 2nd respondent proceeding Roc.V2/20747/2019, dated 14/06/2019, and quash the same as it is arbitrary and illegal and in consequence to direct the 3rd respondent to include the petitioner in the promotion panel of Deputy Block Development Officer, for the year 2019-2020.

For Appellant	: Mr.R.Suriyanarayanan
For Respondents	: Mr.A.K.Baskarapandian Spl.Govt.Pleader



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

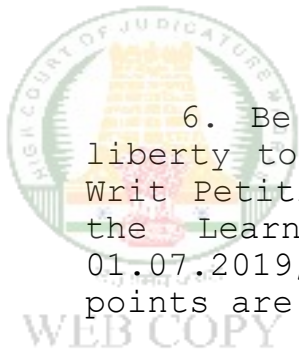
Heard Mr.R.Suriyanarayanan, learned counsel appearing for the appellant and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents.

2. This Appeal has been filed by the Writ Petitioner challenging the order in W.P.(MD)No.14639 of 2019, dated 01.07.2019. In the said Writ Petition, the appellant challenged the promotion panel issued by the 2nd respondent as being arbitrary and for a consequential direction to the Project Director, District Rural Development Agency, Ramanathapuram, to include the name of the appellant in the promotion panel of Deputy Block Development Officer, for the year 2019 - 2020.

3. The Learned Single Bench dismissed the Writ Petition noting that the appellant opted for a one way transfer to her native District viz., Ramanathapuram District. She agreed for the condition to forgo her seniority and consequently, an order was passed by the Commissioner of Rural Development and Panchayat Raj, Chennai, dated 04.01.2013. The Learned Single Bench was of the view that the condition imposed while granting one way transfer would remain as an impediment for the appellant to now seeks for alteration of her seniority in Ramanathapuram District.

4. It is to be noted that when the provisional panel was drawn, the 2nd respondent called for objection and the appellant had submitted her objection and the same was rejected by order dated 08.10.2018. In the objection, the appellant contended that not including her name in the provisional panel is contrary to the order passed by the 1st respondent, dated 04.01.2013 where the appellant seniority was fixed at the end of approved probationer from the date of joining in the Office of the 3rd respondent ie., on 14.06.2019. The said Writ Petition is still pending before this Court. Consequent to the rejection of the appellant's objection in the provisional panel, the final panel was drawn on 14.06.2019, which was impugned in W.P.(MD)No.14639 of 2019 as against which the present appeal has been filed.

5. In our considered view, it would not be appropriate to nonsuit the appellant at this stage especially, when the appellant has challenged the order dated 08.10.2018 by way of a Writ Petition in W.P.(MD)No.552 of 2019 and the Writ Petition is still pending. However, we wish to point out that the Writ Petition as against which the present appeal has been filed was liable to be dismissed on one another ground that is for not impleading the aggrieved persons over whom the appellant seeks for placing her name in the seniority list.



6. Be that as it may, we dispose of this Writ Appeal giving liberty to the appellant to canvass all contentions in the pending Writ Petition in W.P(MD)No.552 of 2019 and the findings rendered by the Learned Single Bench in W.P(M)No.14639 of 2019, dated 01.07.2019, which are against the appellant, are vacated and all points are permitted to be canvassed in W.P.(MD)No.552 of 2019.

7. Mr.Suriyanarayanan, the learned counsel appearing for the appellant submitted that the appellant may be granted liberty to implead the aggrieved persons in the pending Writ Petition.

8. Since the persons whose names find place in the seniority list are proper and necessary parties to the Writ Petition, we grant liberty to the appellant to implead those parties in W.P(MD)No.552 of 2019. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary / Commissioner
Rural Development & Panchayat Raj,
Chennai.

2.The District Collector,
Ramanathapuram District.

3.Project Director,
District Rural Development Agency,
Ramanathapuram.

4.The Assistant Director
Rural Development (Panchayat)
Ramanathapuram.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate SR-85727.

+1 CC to GP SR-85915.

W.A. (MD) No. 905 of 2019

06.09.2019

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