



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19015 of 2019

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R.Sundararaj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai-2.

2.The Director,
Rural Development & Panchayat Raj Department,
Panagal Maligai,
Saidapet,
Chennai-15.

3.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner retrospectively as Deputy Block Development Officer from the date on which his immediate junior was promoted in pursuant to the proceedings issued by the third respondent vide his proceedings Na.Ka.P3/12246/2018-1 dated 13.11.2018.

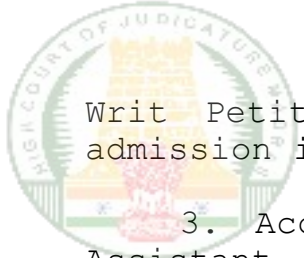
For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

The present writ petition is filed seeking for a mandamus directing the respondents to promote the petitioner retrospectively as Deputy Block Development Officer from the date on which his immediate junior was promoted, in pursuant to the proceedings issued by the third respondent, vide his proceedings in Na.Ka.P3/12246/2018-1 dated 13.11.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the



Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Junior Assistant on 27.08.1994 at Sakkottai Panchayat Union, Sivagangai District and completed his probation on 29.12.1999. His name was included in the panel for promotion to the post of Assistant in the year 2002, whereas the respondents ought to have included the petitioner's name in the panel for promotion in the year 2000, when the name of his junior viz., Mr.Oorkavalan was included. The petitioner's name was included in the panel for promotion to the post of Deputy Block Development Officer, vide proceedings dated 01.03.2011 and his name was at Serial No.15. But, he retired from service on 31.12.2011 on attaining the age of superannuation. The petitioner met the respondents in person and requested for notional promotion. He sent representation on 03.06.2016, requesting the respondents to give notional promotion. The third respondent, by proceedings dated 13.11.2018 informed the petitioner that his claim is being considered. He sent another representation dated 26.11.2018. Till date, the respondents have not passed any orders. Hence, the petitioner has filed the present writ petition.

5.Mr.VR.Shanmuganathan, learned Special Government Pleader submitted that the request of the petitioner was already considered and rejected. The petitioner has come out with the present writ petition after a lapse of 18 years and it is a bar as per Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules and prayed for dismissal of the writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

7. From the materials on record, it is seen that the petitioner retired from service on 31.12.2011 and the present writ petition is filed in the year 2019 after a lapse of 8 years. He is seeking notional promotion with retrospective effect from the year 2000, when his immediate junior was promoted, after 18 years. The reason given by the petitioner for the delay in seeking promotion, is not valid. The petitioner is not entitled to seek a positive direction seeking promotion with retrospective effect. The third respondent has sent reply, dated 13.11.2019 stating that the petitioner's request is being considered along with his service records, as per rules.

8. In view of the above, this Court directs the third respondent to consider the representation of the petitioner, dated 26.11.2018 and pass 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.



9. With the above direction, the writ petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (AD-I)

Sub Assistant Registrar (CS)

To

1. The Secretary to the Government,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai-2.
2. The Director,
Rural Development & Panchayat Raj Department,
Panagal Maligai,
Saidapet,
Chennai-15.
3. The District Collector,
Sivagangai District,
Sivagangai.

+1 CC to SPL GP (SR-85331[F] dated 05/09/2019)

W.P. (MD) No.19015 of 2019
04.09.2019

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