

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.2217 of 2020

E.Lokanathan

... Petitioner

.Vs.

1. The State of Tamil Nadu
rep.by its
Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj,
Saidapet, Chennai 600 015.
3. The District Collector,
Kancheepuram District, Kancheepuram. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to consider the claims of the petitioner for promotion as Assistant on par with juniors with effect from 30.11.2012 and also promotion as Deputy Block Development Officer w.e.f 05.08.2016 with all consequential benefits.

For Petitioner : Mr.G.Elanchezhiyan
For Respondents: Mr.P.V.Selvakumar
Additional Government Pleader
for R1 to R3.

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to consider the representation / appeal filed by the petitioner on 15.03.2019 and to promote the petitioner as an Assistant on par with his juniors with all attendant benefits.

2. The case of the petitioner is that he was appointed as a Junior Assistant in the year 2009. The service of the petitioner was regularised by the 3rd respondent by his proceedings dated 22.06.2010. The tentative combined seniority list of Junior Assistant was published in the post of Assistant

and the petitioner's name was included in Sl.No.80. The grievance of the petitioner is that the 3rd respondent had considered the promotion of his junior as Assistant and the petitioner was not given promotion on the ground that he did not complete the Bhavanisagar Training in time. According to the petitioner, the delay caused in sending the petitioner for training cannot be put against the petitioner and it was an administrative delay. Due to this delay, the probation of the petitioner was declared only by proceedings dated 10.01.2013.

3. The petitioner was promoted as an Assistant on 25.02.2014. Thereafter, a tentative seniority list was published in the post of Assistant and the petitioner's name was included in Sl.No.116. The petitioner made a representation to the effect that his name must be considered on par with his junior.

4. The petitioner approached this Court and filed WP No.18349 of 2017 for a direction to the respondents to consider the representation of the petitioner and to consider him on par with his junior and to grant promotion and other consequential benefits in line with his seniority.

5. This Court directed the respondents to consider the request made by the petitioner. There was a revision of seniority in the post of Assistant and the name of the petitioner was included in the panel for the year 2013. However, the petitioner was not given promotion on par with his junior from 30.11.2012. The Anomaly continued. Therefore, the petitioner submitted representations to the 3rd respondent to promote him on par with his junior as an Assistant with effect from 2012 and as Deputy Block Development Officer with effect from 2016 and to give all attendant benefits. Since, there was no response from the 3rd respondent, the present writ petition has been filed before this Court seeking for appropriate directions.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

7. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 3rd respondent to consider the representation /Appeal made by the petitioner on 15.03.2019 and 16.05.2019 and pass appropriate orders, in accordance with law within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with earlier representations dated 15.03.2019 and 16.05.2019 and also a copy of this order.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka

To

1. The State of Tamil Nadu
rep.by its
Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj,
Saidapet, Chennai 600 015.
3. The District Collector,
Kancheepuram District, Kancheepuram.

+1cc to Mr.G.Elanchezhiyan, Advocate sr.8034
+1cc to Government Pleader SR.NO. 8097

W.P.No.2217 of 2020

rsv(co)
nr 05/03/2020

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