

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.Nos.1797 and 1857 of 2019
and WP Nos.9060 of 29035 of 2019
and WMP Nos.9605 and 28815 of 2019
and CMP No.12565 of 2019

W.A.No.1797 of 2019

1 A.MADESHWARAN
2 V.S.PALANIVEL
3 R.PRABHURAJ
4 M. MOHAN
5 N.NAVALADIYAN
6 R.MALATHI

... Appellants
/ Respondents 3,4,5,7,11 and 12

Vs

1 E.SELVAM
2 G.SARAVANAN
3 R.KARTHIGEYANI
4 G.RAJKUMAR
5 P.ANNADURAI
6 K.PRABHAKARAN
7 M.RAJASEKARAN
8 M.MAHENDRAN PANDIAN
9 S.ANTHONISAMY

10 A.PRABHAVATHI
11 D.R.KANNAN
12 MRS.V.MATHANGESWARI
13 A.GOPI
14 G.MURUGESAN
15 D.SUJATHA
16 V.SUJATHA
17 A.SANGEETHA
18 G.RAVINDRAN

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- 19 V.ALAGARASAN
20 R.S.MANIKANDAN
21 L.VIGNESH
22 K.OOSAINAYAKI
23 T.R.POONGUZHALI
24 G.TAMILSELVI
25 M.UMAMAHESWARI
26 R.SURESH
27 E.SWAMYNATHAN
28 R.SOUNDARAJAN
29 A.THAMARAISELVI
30 K.BHUVANESHWARI
31 D.SARAVANAKUMAR
32 N.MOHANKUMAR
33 R.BHARATH
34 R.SRINIVASAN
35 A.GANESAN
36 G.GAYATHRI
37 V.PARIMALA
38 M.SAKTHIVEL
39 R.ASHOK KUMAR
40 J.THIRUGNANAM
41 D.PRABAKAR ... Respondents/Petitioners 1 to 41
- 42 THE STATE OF TAMIL NADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
RURAL DEVELOPMENT DEPARTMENT FORT ST GEORGE
CHENNAI-9
- 43 THE DIRECTOR OF RURAL DEVELOPMENT
(PD SECTION) PANAGAL BUILDING
SAIDAPET CHENNAI-15 ... Respondents/ Respondents1&2
- 44 M.RAJAVELU ... Respondents/ Respondent NO.6
45 J.BALAKRISHNAN
46 K.BALAMURUGAN
47 D.DHANDAPANI ... Respondents/ Respondents 8,9,10

Prayer in W.A.No.1797/2019:

To set aside the order passed by the Learned Judge in
WP.No.9944/2018 dated 26.09.2018.

W.A.No.1857 of 2019:

1. The State of Tamil Nadu
represented by its Principal Secretary to Government,
Rural Development Department,
Fort St. George, Chennai - 9

2. The Director of Rural Development (PD Section)
Panagal Building,
Saidapet,
Chennai -600 015

... Appellants/ Respondents

- 1 E.SELVAM
- 2 G. SARAVANAN
- 3 R. KARTHIGEYANI
- 4 G. RAJ KUMAR
5. P. ANNADURAI
- 6 K. PRABHAKARAN
- 7 M. RAJASEKARAN
- 8 M. MAHENDRAN PANDIAN
- 9 S. ANTHONISAMY
- 10 A. PRABAVATHI
- 11 D.R. KANNAN
- 12 MS. V. MATHANESWARI
- 13 A. GOPI
- 14 G. MURUGESAN
- 15 D. SUJATHA
- 16 V. SUJATHA
- 17 A. SANGEETHA
- 18 G. RAVINDRAN
- 19 V. ALAGARASAN
- 20 R.S. MANIKANDAN
- 21 L. VIGNESH
- 22 K. OOSAINAYAKI
- 23 T.R. POONGUHALI
- 24 G. THAMILSELVI
- 25 M. UMAMAHESWARI
- 26 R. SURESH
- 27 E. SWAMYNATHAN
- 28 R. SOUNDARARAJAN
- 29 A. THAMARAISELVI
- 30 K. BHUVANEWARI
- 31 D. SARAVANAKUMAR
- 32 N. MOHANKUMAR
- 33 R. BHARATH
- 34 R. SRINIVASAN
- 35 A. GANESAN
- 36 G. GAYATHRI
- 37 V. PARIMALA
- 38 M. SAKTHIVEL
- 39 R. ASHOK KUMAR
- 40 J. THIRUGNANAM
- 41 D. PRABAKAR
- 42 A. MATHESWARAN
- 43 V.S. PALANIVEL



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44 R. PRABHURAJ
45 M. RAJAVELU
46 M. MOHAN
47 J. BALAKRISHNAN
48 K. BALAMURUGAN
49 D. DHANDAPANI
50 N. NAVALADIYAN
51 R. MALATHI

Appeals filed under Clause 15 of Letter Patent to set aside the order passed by the Hon'ble Court in WP Nos.9944 of 2018 on 26.09.2018.

W.P.No.9060 of 2019

1 R.Venkatesh
2 N.Suresh Babu
3 Thirumalai
4 Praburaj
5 Navaladiyan
6 A.Matheshwaran
7 P.S.Palanivel
8 S.Senthil Kumaran
9 R.Malathi
10 M.Mohan Petitioners

vs

1 State of Tamil Nadu
Rep. by Principal Secretary to Government
Rural Development and Panchayat Raj
Department Fort ST. George Chennai 9
2 The Director of Rural Development
and Panchayat Raj (PD) Section
Panagal Building Saidapet Chennai 15
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned consolidated interse seniority list of Overseer/ Junior Drafting Officers published by the 2nd respondent in his Proceedings No. 65408/ 2018/ EE2(1) dated 01.02.2019 and quash the same and direct the respondents to prepare a seniority list in accordance with law and further direct the respondents to grant promotion to the petitioners herein as Assistant Engineer and grant them all consequential service and monetary benefits.

W.P.No.29035 of 2019:

1 R.Venkatesan
2. R. Murugesan
3 R.G. Saravana Kumar
4 J. Blakrishnan

... Petitioners

Vs

1 The Secretary to Government
Rural Development and Panchayat Raj Dept
Fort St George Chennai 9

2 The Director of Rural Development and Panchayat Raj Dept
Panagal Building Saidapet Chennai 15

3 P. Karunakaran
4 V. Palanisamy
5 B. Jeevarani
6 V. Radhakrishnan
7 S.P. Saravanan
8 M.Sundaravalli
9 R. Annapoorna Devi
10 M. Murugesan
11 A. Ganesan
12 M. Rajeswaran
13 V. Sebastin John
14 T.S.Muralidharan
15 A. Tamarai Selvi
16 K. Syed Ibrahim
17 S. Gomathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari to call for the records of the 2nd respondent in connection with the impugned combined panel of Assistant Engineer Rural development for the year 2016-17 and 2017-18 published by the 2nd respondent in RC No. 56875 / 2016 / EE 1.2 dt 27.8.19 and quash the same and direct the respondents to prepare the panel taking into consideration the qualification of BE degree acquired by the petitioners herein based on the unamended Rule 5A of the Tamil Nadu Panchayat Development Engineering Service Rules published in G.O.Ms.No. 295 Rural Development and Panchayat Raj (E1) Department dated 14.12.2001 and consider the claim of the petitioners for promotion as Assistant Engineer Rural Development and promote them as Assistant Engineer Rural Development and grant them all consequential service and monetary benefits and grant such other further relief as this Hon'ble Court may deem fit in the Circumstances of the case.

Petitioner's Appearance:

W.A.No.1797 of 2019: Mr.M. Muthappan
W.A.No.1857 of 2019: Mr.V. Jayaprakash Narayanan
State Government Pleader
WP No.9060 of 2019: Mr.M. Muthappan
WP No.29035 of 2019: Mr.M. Muthappan

Respondent's Appearance:

W.A.No.1797 of 2019:
1.R42&43 : Mr.V. Jayaprakash Narayanan
State Government Pleader
2.R1 to R41,
R44 to R47 : Mr.V. Sudhakar
W.A.No.1857 of 2019:
1.R1 to R4,R6 to 9,
R11 to R13,18,20 to 26,
28 to 35,36 to 40 -Mr.V. Sudhakar
2.R42 to R46 & R50-Mr.M. Muthappan
WP No.9060 of 2019:
Respondents in WP No.9060 of 2019:
Mr.V. Jayaprakash Narayanan
State Government Pleader
WP No.29035 of 2019:
R15 : Mr.V. Sudhakar
R1 & R2 :Mr.V. Jayaprakash Narayanan
State Government Pleader
Not Ready for R1
Batta Noticed R3,8 & 17
Others - No Appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Heard learned counsel, Mr.M. Muthappan, Mr.V. Sudhakar and Mr.V. Jayaprakash Narayanan, learned State Government Pleader, for the respective parties in the appeals.

2. We had adjourned the hearing of this matter by the following Order on 17.09.2020:-

We have heard Shri M.Muthappan, learned counsel for the petitioners and Shri V.Jayaprakash Narayanan, learned Government Pleader for the respondent State in W.P.No.34690 of 2019.

We have also heard Mr.V.Suthakar, learned counsel for the private respondents.

Since challenge to the vires of the provision has to be decided first, we would deliver judgment in W.P.No.34690 of 2019 on 30.09.2020 and the other matters will be decided later.

3.We have delivered the judgment today in W.P.No.34690 of 2019 and the learned counsel for the parties are at agreement that the panel has now to be prepared afresh, keeping in view the ratio of the said judgment as well as the fact that the panel which is under challenge had been prepared prior to the amendment.

4.It is therefore necessary to prepare the panel afresh. Learned State Government Pleader concedes to this position and he submits that the Government will proceed now to prepare a fresh panel accordingly. The exercise whereof will be undertaken and completed, as prayed by the learned Government Pleader, within a period of two months.

5. Both the writ appeals, therefore, stand disposed of accordingly. The writ petitions raising a challenge to the panel also stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sr

To

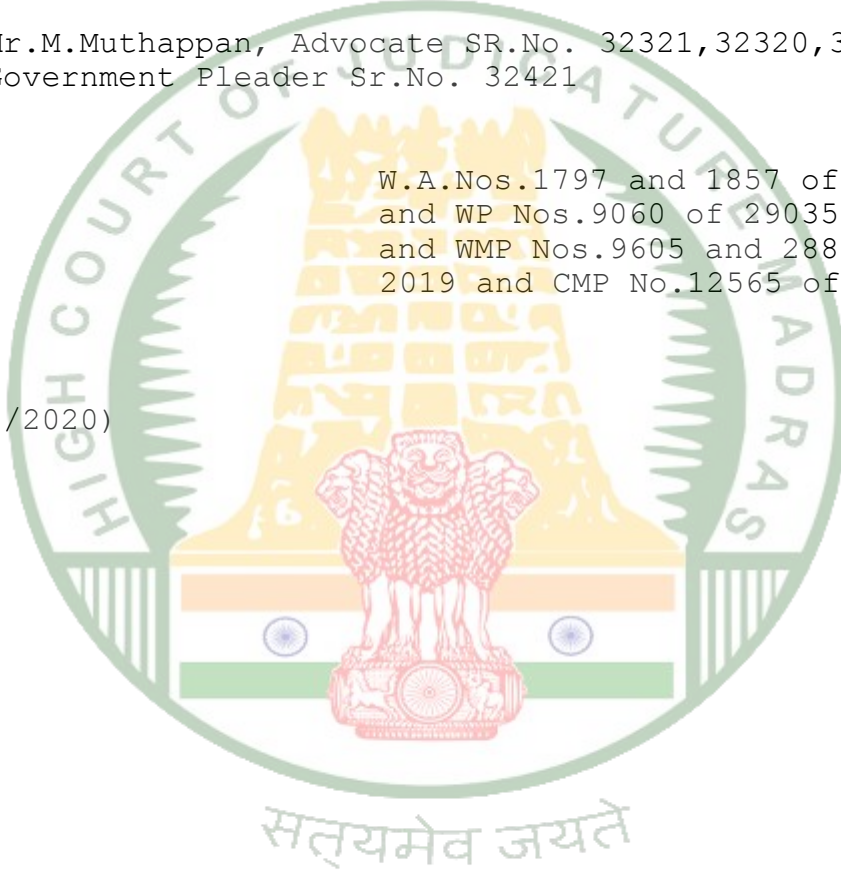
1. THE PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU
RURAL DEVELOPMENT DEPARTMENT FORT ST GEORGE
CHENNAI-9

2. THE DIRECTOR OF RURAL DEVELOPMENT
PANCHAYAT RAJ DEPT., (PD SECTION)
PANAGAL BUILDING
SAIDAPET CHENNAI-15.

+4ccs to Mr.M.Muthappan, Advocate SR.No. 32321,32320,32318,32317
+1 cc to Government Pleader Sr.No. 32421

W.A.Nos.1797 and 1857 of 2019
and WP Nos.9060 of 29035 of 2019
and WMP Nos.9605 and 28815 of
2019 and CMP No.12565 of 2019

SRA (CO)
A.SK(02/11/2020)



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