

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.33192 of 2013

and

MP No.1 of 2013

Tamil Nadu Rural Development Officials'
Association represented by its State Vice President,
A.Kennedy Poobala Rayan Petitioner

Vs

1. The Government of Tamil Nadu
Rep. By its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Rural Development &
Panchayat Raj
Panagal Building,
Saidapet, Chennai - 600 015. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the respondents to consider and pass orders on the representation dated 23.09.2013 with regard to drawal of regular panel and confirmed seniority list in the feeder category viz., Assistant Director of Rural Development before effecting promotion to the post of Joint Director of Rural Development, Chennai.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.S.Thangavel,
Spl. Govt. Pleader for R1 to R3

ORDER

Petitioner-Association has come up with this writ petition seeking direction to the respondents to consider and pass orders on the representation dated 23.09.2013 with regard to drawal of regular panel and confirmed seniority list in the

feeder category viz., Assistant Director of Rural Development before effecting promotion to the post of Joint Director of Rural Development, Chennai.

2. According to the petitioner, it is a registered association and their members are Government Servants working in Rural Development Department. It is averred in the petition that promotion to the post of Divisional Development Officer is being made in two methods viz., recruitment by transfer or by direct recruitment. It is their grievance that candidates from the feeder category have less promotional avenues than the candidates recruited by way of direct recruitment to the post of Assistant Director of Rural Development. As per G.O. Ms. No.904, dated 08.11.1990, the percentage of appointment was reduced to 10% from 25% for the candidates by way of direct recruitment. Furthermore, seniority list in the cadre of Assistant Director has not been prepared and as such estimated vacancies have also not been arrived at. Hence, the petitioner -Association submitted a representation dated 23.09.2013 seeking fixation of inter-se seniority (both by direct recruitment as well as promotees), which has not yet been considered. Hence this writ petition.

3. Learned counsel for the petitioner submits that inter-se-seniority has not been prepared till date and since estimated vacancies have not been arrived at the same has resulted in non drawal of regular panel by the respondents. To sort out such discrepancies and to maintain the inter-se percentage between the promotee candidates and direct recruits, who fall within the feeder category, the petitioner-Association made a representation dated 23.09.2013. Hence, the learned counsel prays that it would suffice, if this Court issues a direction to the respondents to consider the representation of the petitioner -Association, within a stipulated period.

4. Reiterating the counter affidavit, Mr.S.Thangavel, learned Special Government Pleader appearing for the respondents submits that inter-se-seniority list has been prepared upto the year 1999-2000 for candidates who have been appointed by way of direct recruitment as well as upto the year 2001-02 for the candidates who have been appointed by way of transfer. Moreso, he submits that SLP has been preferred in SLP Nos.8980 and 8981 of 2011 by Tamil Nadu Public Service Commission as against the the Division Bench judgment of this Court, i.e. W.A. No.1063 of 2009 and 1287 of 2009. Hence temporary panel has been prepared from the year 2002-03 for the candidates recruited by way of transfer.

5. In reply, learned counsel for the petitioner submits that the aforesaid SLPs have been disposed of and directions have been issued by the Hon'ble Supreme Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Having regard to the submissions made by the learned counsel for both sides, in view of the stand taken by the petitioner that the matter pending before the Supreme Court having been disposed of with directions, this Court without going into the merits of the issue, directs the petitioner to submit a copy of the representation dated 23.09.2013 along with a copy of this order as also a copy of the order passed in the aforesaid SLP, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider and the representation on merits and in accordance with law, and pass orders thereon within a period of twelve weeks therefrom.

8. Accordingly, the writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Rural Development & Panchayat Raj
Panagal Building, Saidapet,
Chennai - 600 015.

+1cc to the Government Pleader, S.R.No.40730

UM(CO)
SM/10/02/2021

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