

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16666 of 2014

S.Kothandan

...Petitioner

Vs.

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.S.Sridharan

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondents particularly that of the 1st respondent dated 26.02.2014 vide Roc No.104/2014/K1 that was received on 06.03.2014 and quash the same as arbitrary, illegal, misconceived and ultra vires and consequently direct the 1st respondent to redraw the consolidated provisional integrated seniority list in the cadre of Deputy Block Development Officer as on 01.01.2014 within the timeframe to be stipulated by this Hon'ble Court and pass consequential order of promotion.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.S.Thangavel

Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the respondents particularly that of the first respondent dated 26.02.2014 vide Roc No.104/2014/K1 that was received on 06.03.2014 and to quash the same as arbitrary, illegal, misconceived and ultra vires and to consequently direct the first respondent to redraw the consolidated provisional integrated seniority list in the cadre of Deputy Block Development Officer as on 01.01.2014 within the timeframe to be stipulated by this Court and to pass consequential order of promotion.

2.The case of the petitioner is that the petitioner initially joined the Survey Department and thereafter was accommodated in the Rural Development Department wherein he executed his functions as Junior Assistant with effect from 30.12.1995 at Harur Panchayat Union of the erstwhile composite Dharmapuri District.

3.It is the further case of the petitioner that in the Rural Development Department, Single Service Rules were issued in G.O.Ms.No.585, dated 12.04.1984, merging and integrating various categories of posts. The post of Junior Assistant was integrated with Rural Welfare Officer Grade - II and the post of Assistant was integrated with Rural Welfare Officer Grade - I. The petitioner was promoted as Assistant from the post of Junior Assistant/ Rural Welfare Officer with effect from 24.07.2004 by order of the first respondent.

4.It is the further case of the petitioner that on 11.01.2010, the District Collector, Krishnagiri published a tentative seniority list of Assistants for the year 2000 in which the petitioner's name was not included. Hence, the petitioner preferred appeal to the first respondent and the said appeal was rejected by the first respondent. Aggrieved by the same, the petitioner filed W.P.No.16476 of 2010 before this Court. This Court vide order dated 04.08.2010 made in W.P.No.16476 of 2010 held that service qualification cannot be equated to the qualification of a pass in the Departmental test and therefore, the petitioner should not have been omitted to be included in the panel.

5.It is the further case of the petitioner that thereafter the first respondent published inter se seniority list in the cadre of Deputy Block Development Officer as on 01.01.2013 in respect of Rural Development and Panchayat Unit of Krishnagiri District in which the petitioner was placed in Serial No.77, whereas, the second respondent who is junior to the petitioner was placed at Serial No.66. Aggrieved by the same, the petitioner forwarded his objection, however, the first respondent prepared and published the consolidated provisional integrated seniority list in the cadre of Deputy Block Development Officer as on 01.01.2014, in which also, the second respondent was placed over and above the petitioner. The petitioner once again forwarded his objection, however, the same was rejected. Hence, this writ petition.

6.The learned counsel appearing for the petitioner would submit that though very many grounds have been raised in this writ petition, it would suffice, if this Court permits the petitioner to prefer appeal before the Government within a reasonable time.

7.Though the first respondent had filed counter affidavit, the learned Special Government Pleader has no serious objection for this Court to consider the limited request now made by the learned counsel appearing for the petitioner.

8.In view of the above, this Court permits the petitioner to prefer appeal, if any appeal remedy is available, to the Government, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is preferred by the petitioner, the Appellate Authority shall consider the same and shall pass appropriate orders, as expeditiously as possible.

9.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Krishnagiri,
Krishnagiri District.

+lcc to Mr.T.S.Rajamohan, Advocate SR.No.38800
+lcc to Government Pleader SR.No.38878

W.P.No.16666 of 2014

AD(CO)
KKV/14/12/2020

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