



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)Nos. 17434, 17454 and 17458 of 2020

and

W.M.P(MD) No.14596,14597, 14600, 14601, 14603, 14604 of 2020

1.S.Kalyani Rani ... Petitioner in W.P(MD) No.17434 of 2020
2.S.Saravanashanmugam ... Petitioner in W.P(MD) No.17454 of 2020
3.A.Julian D Tennyson ... Petitioner in W.P(MD) No.17458 of 2020

Vs.

1.The Director,
Rural Development & Panchayat Raj Department,
IVth Floor, Panagal Building,
Saidapet, Chennai-600 015.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The District Collector,
Tenkasi District, Tenkasi. ... Respondents (in all W.Ps)

COMMON PRAYER : These Writ Petitions filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the third respondent to give temporary promotion to the petitioners in the post of Deputy Block Development Officer by invoking the provision under Rule 39 (a) and 39 (b) of Tamil Nadu State and Subordinate Service Rules with effect from 01.12.2012 and pay all other service and monetary benefits by considering the petitioners' representation dated 02.05.2020 within the time limit stipulated by this Court.

For Petitioners : Mrs.M.Anbarasi
(in all W.Ps)

For Respondents : Mr.M.Jeyakumar
(in all W.Ps) Additional Government Pleader

COMMON ORDER

These writ petitions have been filed to direct the third respondent to give temporary promotion to the petitioners for the post of Deputy Block Development Officer by invoking the provision under Rule 39 (a) and 39 (b) of Tamil Nadu State and Subordinate Service Rules with effect from 01.12.2012 and to pay all other service and monetary benefits by considering the petitioners'



representations dated 02.05.2020 within the time stipulated by this Court.

2.It is the case of the petitioners that the third respondent issued a panel list for the promotion of Deputy Block Development Officer on 30.04.2020. According to the petitioners, there are 9 vacancies available for the post of Deputy Block Development Officer as per the panel list issued by the third respondent. The petitioners are in the serial Nos.3, 4 and 5. Therefore, the petitioners are entitled to get promotions. In this regard, the petitioners have given representations dated 02.05.2020 and 17.11.2020. However, the respondents have not taken any steps to provide promotion to the petitioners as Deputy Block Development Officer, based on the panel list issued by the third respondent.

3.The learned Additional Government Pleader appearing for the respondents would submit that one Karthik filed a writ petition before this Court in W.P(MD) No.21023 of 2019, challenging the provision of promotions to the petitioners in these writ petitions and this Court by an order dated 09.12.2019 granted an order of interim stay.

4.In reply, the learned counsel appearing for the petitioner would submit that the writ petition in W.P(MD) No.21023 of 2019 was filed before the bifurcation of Tenkasi District from Tirunelveli District. This Writ petition has been filed in the month of November 2019 seeking the relief to revise the seniority. After bifurcation, the District Collector, Tenkasi, issued a new seniority list and the petitioners are working in the Tenkasi District whereas the said M.Karthik is working in the Tirunelveli District. Therefore, they have given a fresh representation to provide promotion based on the panel list issued by the third respondent dated 30.04.2012. Therefore, there is no bar for the petitioner from getting promotion based on the panel list issued by the third respondent.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6.The writ petition in W.P(MD) No.21023 of 2019 has been filed before the bifurcation, wherein this Court passed an order of interim stay from granting promotion to the post of Deputy Block Development Officer to the respondents 3 to 6 therein. However, this order was passed to restrict the District Collector, Tirunelveli for granting promotion. Subsequent to the bifurcation, M.Karthick is working in the Tirunelveli District and the petitioners are working in Tenkasi District. Now the panel list for promotion to the post of Deputy Block Development Officer was issued by the District Collector, Tenkasi. Hence, the petitioners have given representations dated 02.05.2020 for providing promotion



to them as Deputy Block Development Officer and subsequently, sent reminders to the respondents dated 17.11.2020.

7. In view of the above, this Court does not see any impediment to implement the panel list issued by the third respondent dated 30.04.2020. Therefore, this Court directs the third respondent to dispose of the petitioners' representations dated 02.05.2020 and the reminders dated 17.11.2020 within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law.

8. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Director,
Rural Development & Panchayat Raj Department,
IVth Floor, Panagal Building, Saidapet, Chennai-600 015.

2. The District Collector,
Tirunelveli District, Tirunelveli.

3. The District Collector, Tenkasi District, Tenkasi.

+3 CC to M/s.D.SELVANAYAGAM, Advocate SR-24551[F] dated 09/12/2020
+1 CC to M/s.GP (SR-24648[F] dated 09/12/2020)

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MJ(CO)

TR(23.12.2020) 3P 8C