

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2653 of 2021 and
WMP Nos.2969 & 2970 of 2021

R.Ramesh

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by this Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennnai - 600 015.
3. The District Collector,
Ranipettai District.
4. The Block Development Officer,
Arakkonam Panchayat Union,
Arakkonam,
Ranipettai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his Proceedings Na.Ka.No.PA2/150/2020, dated 31.08.2020 and quash the same in so far as the petitioner is concerned and consequently direct the respondents herein to declare probation to the petitioner in the post of Assistant so as to enable the petitioner to get his future promotion as Deputy Block Development Officer in the panel year of 2020 - 2021 retrospectively with effect from 31.08.2020 i.e the date on which his Juniors got promotion as Deputy Block Deputy Officer with all monetary and other attendant benefits.

For Petitioner	: Mr.K.Raja
For Respondents	: Mr.P.Raja
	Government Advocate

O R D E R

This writ petition has been filed to quash of the Proceedings made in Na.Ka.No.PA2/150/2020, dated 31.08.2020 passed by the 3rd respondent in so far as the petitioner is concerned and for a consequential direction to the respondents to declare probation to the petitioner in the post of Assistant.

2. By consent, this Writ petition is taken up for final disposal at the admission stage. Mr.P.Raja, learned Government Advocate takes notice for respondents.

3. It is the case of the petitioner that the petitioner who is a physically disabled person, working as an Assistant in Arakkonam Panchayat Union, Ranipettai District, since 17.02.2014, is deprived of promotion to the next post i.e Deputy Block Development Officer for the year 2020- 2021, due to non declaration of his probation. It is the grievance of the petitioner that though he has undergone the requisite Bhavani Sagar Training and qualified in the Departmental Tests prescribed and having all other eligible criteria for promotion, due to the delay on the part of the respondents in declaring his probation, he has been deprived of promotion. Hence, the petitioner has preferred the present writ petition seeking aforesaid relief.

4. The learned Government Advocate appearing for the respondents would submit that the 3rd respondent has not considered the case of the petitioner on the ground that he is not fit for empanelment and his name is not included in the panel, dated 31.08.2020. It has been stated that if there is any grievance, the petitioner can make a representation before the District Collector concerned, within 30 days from the date of notification for promotion.

5. In reply, the learned counsel for the petitioner stated that the grievance petition relating to objection has been given on 10.09.2020 and the same is kept pending and has not been considered till date. It is further stated that there is a time frame for disposal of the grievance petition. If any grievance petition is filed, it should be forwarded through proper channel and the same shall be disposed of by the District Collector concerned within 60 days thereafter. But, the grievance petition for declaration of his probation is kept pending without taking any action.

6. This Court time and again has reiterated that when there is a time prescribed for filing objections / appeal / review or

any other means of representing grievance, the authority shall also have a time limit to dispose of the same. In the present case, though grievance petition has been filed, which is ought to have been disposed of within a particular time frame, but the same has not been disposed of yet. Hence, this Court directs the Principal Secretary to Government to ensure that the circular is issued to all the Departments that whenever the objection in the above category or any other category is filed, it shall be disposed of within a time limit by fixing outer time limit for disposing of the grievance petition of the persons, like the petitioner, after affording an opportunity of hearing. If there is any doubt about the dispatch of the representation by the party concerned, the parties are entitled to demand proof for dispatch of the same which needs to be produced by the person concerned.

7. In the present case, as it is stated that the grievance petition has already been filed, taking note of the directions supra, the respondents are directed to consider the grievance petition filed by the petitioner in respect of declaring his Probation, and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennnai - 600 015.

3. The District Collector,
Ranipettai District.

4. The Block Development Officer,
Arakkonam Panchayat Union,
Arakkonam, Ranipettai District.

+1cc to Mr.K.Raja, Advocate, SR.No.7305.

+1cc to Government Pleader, SR.No.7342.

W.P.No.2653 of 2021

SMI (CO)
CSR 10.03.2021



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