

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.20032 of 2011

A.Ramaswamy

... Petitioner

-Vs-

1.The District Collector (PD Section)
Tiruppur District, Tiruppur.

2.The District Collector (PD Section)
Coimbatore, Coimbatore District. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to fix the seniority of the petitioner in the grade of Dy.Block Development Officer as per G.O.Ms.No.63, Rural Development and Panchayat Raj Department dated 16.09.2008 and further direct the first respondent to consider for retrospective promotion in the grade of Block Development Officer with all consequential benefits such as seniority, arrears of pay, re-fixation of pay.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to fix the seniority of the petitioner in the grade of Deputy Block Development Officer as per G.O.Ms.No.63, Rural Development and Panchayat Raj Department dated 16.09.2008 and further direct the first respondent to consider for retrospective promotion in the grade of Block Development Officer with all consequential benefits such as seniority, arrears of pay, re-fixation of pay.

2. The petitioner was appointed as Junior Assistant on compassionate grounds on 25.09.1986. Thereafter, Tiruppur District was bifurcated from Coimbatore District and the petitioner was allotted to Tiruppur District, where his seniority was not properly maintained. Therefore, his promotional avenue as Extension Officer and Deputy Block Development Officer got affected and in this regard he compared his case with one K.G.Manivannan, who is junior to him and was promoted, whereas the petitioner was not given promotion.

Thereafter, in order to rectify the same, he made a representation to the respondents on 05.08.2011. Since the same was not considered, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner would submit that, even though the petitioner was entitled to get promotion, his request was not considered. Subsequently, during the pendency of the writ petition, the petitioner has retired on attaining superannuation. However, learned counsel for the petitioner submits that, he shall be considered at least notionally from the date on which his junior got promotion.

4. However, learned Special Government Pleader appearing for the respondents submits that, whether the petitioner would be entitled to get any promotion and whether the subsequent promotions which he earned would be suffice to give him promotion as per the seniority, are all matters to be considered since the petitioner has already superannuated during the pendency of the writ petition, his request dated 05.08.2011, if the same has all along not been considered, would be considered by the respondents within the time frame to be stipulated by this Court.

5. Having considered the submissions made by the learned counsel for the parties and after taking into account the factual matrix of the case, this Court is inclined to dispose of the writ petition with the following orders.

6. That the respondent especially the first respondent is hereby directed to consider the representation of the petitioner dated 05.08.2011 on merits and in accordance with law and pass orders, after taking a decision thereon, within a period of twelve weeks from the date of receipt of a copy of this order. A copy of the said representation can be forwarded by the petitioner along with a copy of this order to the respondents and immediately on receipt of the same, the first respondent shall act upon as indicated above.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

kst

To

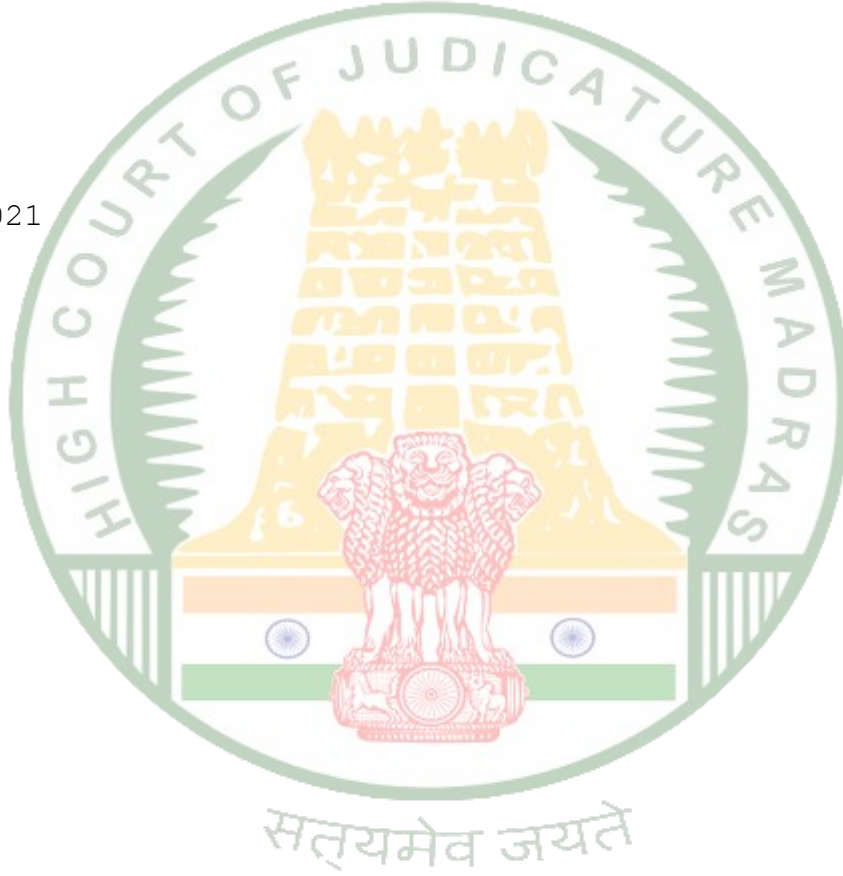
1.The District Collector (PD Section)
Tiruppur District, Tiruppur.

2.The District Collector (PD Section)
Coimbatore, Coimbatore District.

+1 cc to Mr.V.Suthakar Advocate sr12631

W.P.No.20032 of 2011

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