



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Writ Petition No.14032 of 2005

T.Lakshmiammal

..Petitioner

Vs

1.The Secretary to Government
Rural Development Board
Fort St.George
Chennai-9

2.The Director of Rural Development
Saidapet, Chennai-15

3.The District Collector
Krishnagiri District
Krishnagiri

..Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the third respondent passed in Na.Ka.No.4934/05-K-2 dated 18.02.2005 and quash the same and consequently direct the third respondent to promote the petitioner as Extention Officer by including her name in the Panel issued by the third respondent in R.O.C.No.42466/2004/K1 dated 17.01.2005 on par with junior of the petitioner with all monetary and attendant benefits.

For Petitioner : Ms.T.P.Kuilmozhi for Mr.Veerakathiravan
For Respondents : Mr.K.Magesh, Spl.Govt Pleader

ORDER

The petitioner joined the service as part time record clerk. Thereafter, she was given regular appointment as Junior Assistant on 23.04.1984. After regularization, she was given promotion as Assistant and at the time of filing the writ petition, she was working as Assistant.

2. It is averred in the writ petition that the petitioner passed the departmental test and eligible for promotion. Her



probation was declared by G.O.Ms.(D).615 dated 13.07.2004 and eligible for promotion for the post of Extension Officer. For the promotional post of Extension Officer, the feeder category post are Assistant/Accountant/Rural Welfare Officer, Grade I and they are all equivalent post. It is also submitted that the third respondent included petitioner's name in the seniority list, however, for the reason that she has not undergone one year minimum service as Rural Welfare Officer Grade I, she was not included in the next promotional post of Extension Officer. It is further submitted that juniors of petitioner were included in the panel. Therefore, the petitioner preferred appeal to the first respondent and the same was rejected by the impugned order dated 18.02.2005. Challenging the same, the present writ petition is filed before this court.

3. The petitioner among various other grounds submitted that the impugned order is on misconception of Rules. The Government in earlier case have relaxed the Rule of one year service in Rural Welfare Officer (Grade I) as not mandatory and therefore, the said guideline could also have been followed in her case also. The Government in G.O.Ms.No.68 dated 27.03.2000 has ratified the promotion and has held that the service can be regularized and approved the appointment made without the service of one year as Rural Welfare Officer (Grade-I) and therefore, the same relaxation can be applied in her case also.

4. The respondents filed counter affidavit. It is submitted that petitioner's name was included in Sl.No.1 in the panel for the post of Assistant/Accountant/Rural Welfare Officer (Grade-I) for 01.03.2004, as per the Proceedings Roc.No.31423/2004/K2(1) dated 16.12.2004 of the Collector, Krishnagiri and she was promoted and posted as Assistant, Panchayat Union, Uthangarai. In the mean time, she was permitted to retire from the Government Service on attaining the age of superannuation on the A.N.of 31.05.2005 as per the proceeding of Collector, Krishnagiri, dated 30.05.2005. However, in the mean while, the petitioner has filed this writ petition seeking orders to promote her as Extension Officer.

5. It is also submitted that the petitioner passed the Departmental test on 08.11.1990 only after 5 years from the date of regularization of her service in the cadre of Junior Assistant on 23.04.1984 and she did not undergo the foundational course training for the cadre of Junior Assistant at C.S.T.I. Bhavanisagar and as such, her probation in the cadre of Junior Assistant could not be declared by the appointing authority. As a result, the Government issued orders declaring the completion of her probation in the cadre of Junior Assistant on the A.N.on 08.05.1990 by relaxation of the relevant rules as per G.O.(I.D) NO.615, R.D.(E7) Department dated 13.07.2004. The petitioner was thereafter given promotion as Assistant as per the proceedings



of the Collector, Krishnagiri, dated 16.12.2004 and she joined duty as Assistant on the F.N. of 22.12.2004.

6. It is further submitted in the counter affidavit that the petitioner is not eligible for consideration for inclusion of her name in the respective Extension Officer's panel and also further promotion as she has not acquired the minimum one year service qualification in the each post of Assistant and Rural Welfare Officer (Grade I) separately, as per G.O.Ms.No.587, R.D.&L.A. Department dated 12.04.1984.

7. It is also put forth by the respondents that the petitioner is not qualified to hold the post of Extension Officer on par with her junior for the reason that she has not at all acquired the minimum one year service qualification in the post of Assistant/Rural Welfare Officer (Grade I) separately as per the Service Rules.

8. Heard both sides and gone through affidavit and counter affidavit carefully.

9. The case of the petitioner is that she joined the service as part time record clerk, thereafter, she was given regular appointment as Junior Assistant on 23.04.1984, after regularization, she was given promotion as Assistant. She also passed the departmental test and eligible for promotion for the post of Extension Office. It is her further case that the third respondent included her name in the seniority list, however, for the reason that she has not undergone one year minimum service as Rural Welfare Officer Grade I, she was not included in the next promotional post of Extension Officer, but her juniors were included in the panel. The petitioner therefore, preferred appeal to the first respondent and the same was rejected by the impugned order dated 18.02.2005. Challenging the same, the present writ petition is filed.

10. Admittedly, the petitioner was promoted to the post of Assistant by proceedings dated 16.12.2004 in Roc.No.31423/2004/K2(1) issued by the Collector, Krishnagiri. A reading of the impugned order dated 18.02.2005 would go to show that the petitioner has not put service of one year in the post of Assistant/Rural Welfare Officer (Grade I) separately and therefore, she is not eligible for the promotion to the post of Extension Officer as per the criterion and Rules for promotion laid down by the Government. The petitioner was retired from service on attaining the age of superannuation on 31.05.2005. For the post of Extension Officer, the minimum one year service in the post of Assistant/Rural Welfare Office (Grade-I), is the requirement as per G.O.Ms.No.587, R.D.& L.A.Department dated 12.04.1984,. However, the petitioner has not served as Assistant/Rural Welfare Officer (Grade-I) for one year and therefore, she cannot be considered for promotion to the post of Extension Officer. Since the petitioner is not having the



eligibility of one year service in the post of Assistant/Rural Welfare Officer (Grade-I), she cannot claim the promotion as a matter of right, after retirement. Further, the claim of the petitioner that her juniors were included in the panel of Extension Officer is not supported by any documents. She has not named any of her junior whose name in the panel of Assistant is later than 01.03.2004 i.e., the date of inclusion of petitioner's name in the panel and that such junior has been included in the panel of Extension Officer. The impugned order is passed after taking into consideration the relevant Rules and the Government Orders. Relaxing the rules in the case of petitioner is not possible as she has not acquired the eligibility and she was promoted to the post of Assistant only on 16.12.2004 and retired on attaining the age of superannuation on 31.05.2005. In such circumstances, the petitioner is not entitled for the relief sought for in this writ petition. Accordingly, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar(CS-VIII)

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Sub-Assistant Registrar

nvsri

To

1.The Secretary to Government
Rural Development Board
Fort St.George
Chennai-9

2.The Director of Rural Development
Saidapet, Chennai-15

3.The District Collector
Krishnagiri District
Krishnagiri

+1 CC to M/s.S.T.P. Kuilmozhi, Advocate sr 51488
+1 CC to The Government Pleader sr 51570.

W.P.No.14032 of 2005

AKII(CO)
SP(18/10/2021)