



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23692 of 2021

(Through Video Conferencing)

R.Santhi

...Petitioner

Vs

1. The Government of Tamil Nadu,  
Rep by its Principal Secretary,  
Rural Development & Panchayat Raj Department,  
Fort St. George, Chennai 600 009.
2. The Director,  
Rural Development and Panchayat Raj Department,  
Panagal Maligai, Saidapet,  
Chennai.
3. The District Collector,  
Dharmapuri District.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the appeal of the petitioner dated 05.10.2021 against the order of the 3<sup>rd</sup> respondent in Na.Ka.No.769/2021/K2 dated 25.06.2021 in line with orders of the Division Bench of this Court in W.P.No.28935 of 2004 dated 20.09.2006 & W.P.(MD). No.2657 of 2013 dated 22.11.2018 and Rule 8 of G.O.Ms.No.270, Rural Development Department dated 04.04.1990 and accordingly place the petitioner above Kalaiselvi in Serial No.23 in the post of Assistant and accordingly promote the petitioner to the post of Deputy Block Development Officer on the date when her junior were promoted with all service and monetary benefits within a time frame fixed by this Court.

For Petitioner : Ms.Dakshayani Reddy for  
Mr.P.Nethaji

For Respondents: Mr.L.S.M.Hasan Fizal for R1 to R3  
Government Advocate



## O R D E R

It is the case of the petitioner that the respondents have placed the petitioner below the probationers whereas the petitioner should have been placed below the list of approved probationers on her transfer from Ariyalur to Dharmapuri. Earlier the 3<sup>rd</sup> respondent has passed an order rejecting the request of the petitioner by an proceedings dated 25.06.2021, against which the petitioner filed an appeal before the 1<sup>st</sup> and 2<sup>nd</sup> respondent on 05.10.2021.

2.The learned counsel for the petitioner has submitted that the order is contrary to Tamil Nadu Town Panchayats Subordinates Service Special Rules particularly Rule 8(b). It is submitted that despite the same, the 3<sup>rd</sup> respondent has passed an order. The learned counsel for the petitioner has drawn attention to the decision of this Court rendered in the following two cases:-

(i)W.P.No.28935 of 2004 in the case of R.Mathivanan Vs. The District Collector and the Registrar, Tamil Nadu Administrative Tribunal.

(ii)W.P.(MD).No.2657 of 2013 in the case of R.Ushadevi Vs. The Principal Secretary/Commissioner of Commercial Taxes and another.

3.Appearing on behalf of the respondents, the learned counsel for the respondent submits that the representation/appeal is dated 05.10.2021 against the proceedings of the 3<sup>rd</sup> respondent dated 25.06.2021 and that the petitioner has rushed to the Court without even giving time to the 2<sup>nd</sup> respondent to fix the date of hearing on the appeal of the petitioner. He submits that the writ petition is pre-mature and it is not maintainable and therefore he prays for dismissal of the writ petition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5.It is noticed that the 3<sup>rd</sup> respondent has passed an order only on 25.06.2021 which is apparently contrary to provision of Rule 8(b) of the Tamil Nadu Town Panchayats Subordinates Service Special Rules, 2016, as notified vide G.O.Ms.No.270, Rural Development Department, dated 04.04.1990. The petitioner has rushed to the court without awaiting for the 2<sup>nd</sup> respondent to fix the date for hearing in the appeal filed on 05.10.2021.



6.Considering the above, this writ petition is disposed by directing the 2<sup>nd</sup> respondent to pass appropriate orders on merits and in accordance with law and duly considering the orders dated 20.09.2006 and 22.11.2018 passed in W.P.No.28935 of 2004 in the case of R.Mathivanan Vs. The District Collector and the Registrar, Tamil Nadu Administrative Tribunal and W.P.(MD). No.2657 of 2013 in the case of R.Ushadevi Vs. The Principal Secretary/Commissioner of Commercial Taxes and another. The 2<sup>nd</sup> respondent shall pass appropriate orders in terms of the above observations within a period of 180 days from the date of receipt of a copy of this order. No costs.

-s/d-  
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary,  
Rural Development & Panchayat Raj Department,  
Fort St. George, Chennai 600 009.
2. The Director,  
Rural Development and Panchayat Raj Department,  
Panagal Maligai, Saidapet,  
Chennai.
3. The District Collector,  
Dharmapuri District.

+1cc to M/s.P.Nethaji, Advocate, Sr.No.56724

W.P.No.23692 of 2021

CP(CO)  
KKV/26/11/2021