



WEB COPY

W.A.(MD) No.1429 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD) No.1429 of 2021

Against W.P(MD) No.5985 of 2017

M.Mahalingam (Rtd RC)

... Appellant/Petitioner

Vs

1.The Secretary,
Rural Development and Panchayat
Raj Department,
Secretariat,
Chennai.

2.The Commissioner,
Rural Development and Panchayat
Raj Department,
Panagal Building,
Chennai-15.

3.The District Collector,
Trichy District.

4.The Commissioner/
The Block Development Officer,
Thiruverumbur,
Trichy District.

... Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD).No.5985 of 2017 dated 11.03.2021.

Prayer in WP(MD) . 5985/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to fix the seniority by taking account of Petitioner's old SSLC as eligible for the promotion and to give notional promotions and to pay all the monitory benefits with all the arrears within a stipulated time.

For Appellant : Mr.R.Lakshmanan

For Respondents : Mr.A.K.Manikkam
Standing Counsel



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Lakshmanan, learned counsel appearing for the appellant and Mr.A.K.Manikkam, learned Standing Counsel appearing for the respondents.

2. The appellant filed W.P(MD).No.5985 of 2017 to direct the respondents to fix seniority by taking into account of his SSLC as eligible qualification for the promotion and to give notional promotions. The writ petition has been dismissed on two grounds.

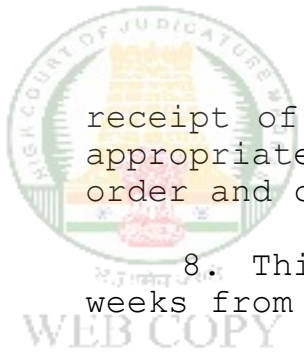
3. Firstly, on the ground of delay and laches as the appellant had retired from service in the year 2010 and after seven years of retirement, he approached the Writ Court. The second reason being that the appellant, in his affidavit, has stated that the earlier representation was rejected by the respondents.

4. The learned counsel appearing for the appellant submitted that the representation given by him was forwarded by the fourth respondent to the third respondent by communication dated 27.07.2009 in Na.Ka.No.A/1510/09, but no written order of rejection has been passed and in the affidavit, the appellant has stated that when he went to the office of the fourth respondent, he was orally informed about rejection of his representation. Further, it is submitted that the writ petition was admitted in the year 2017 and was dismissed in the year 2021 on the ground of delay, which has put the appellant to great prejudice.

5. We have heard the learned Government Counsel on the above submissions.

6. On perusing the material papers placed before us, we find that there is no specific order rejecting the appellant's representation or request for notionally fixing his seniority and granting benefits and the representation given by the appellant had been forwarded by the fourth respondent to the third respondent, namely, the District Collector, Trichy District. The third respondent can inform the appellant as to whether the claim is feasible for consideration or not. If it is not feasible of consideration, a speaking order be passed, then the appellant to work out his remedies in accordance with law.

7. Therefore, we are inclined to issue appropriate direction. Accordingly, this **Writ Appeal is allowed**. The order passed in the writ petition is set aside. The writ petition is disposed of by directing the appellant to give a representation along with a copy of the earlier representation and the communication sent by the fourth respondent to the third respondent dated 27.09.2020 and on



receipt of the representation, the third respondent shall call for appropriate remarks from the fourth respondent and pass a speaking order and communicate the same to the appellant.

8. This direction be complied with within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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 Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai-15.

3.The District Collector,
Trichy District.

4.The Commissioner/
The Block Development Officer,
Thiruverumbur, Trichy District.

+1 CC to M/s.R.LAKSHMANAN, Advocate (SR-23927[F] dated 26/07/2021)

+1 CC to M/s.SPL GP (SR-24207[F] dated 28/07/2021)

W.A. (MD) No.1429 of 2021
26.07.2021