



W.P. (MD) .Nos.6368 and 6369 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .Nos.6368 and 6369 of 2018

and

W.M.P. (MD) .Nos.12211 and 12212 of 2018

M.Raja ... Petitioner in W.P.(MD).No.6368 of 2018
S.Suresh ... Petitioner in W.P.(MD).No.6369 of 2018

vs.

1.The Secretary to the Government of Tamil Nadu
Rural Development and Panchayat Raj,
Fort St. George,
Chennai 600 009.

2.The Director,
Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai.

3.The District Collector,
Theni District,
Theni.

4.The Block Development Officer,
Mailadumparai,
Theni District.

5.V.Meenakumari

6.S.Santhi

7.D.Paranjothi

8.Valli

9.G.Satheesh

10.S.Uthaya Manimala

11.A.Jeyapraba

12.P.Annalakshmi

13.T.Kaliappan

14.S.Chitra ... Respondents in W.P.(MD).No.6368 of 2018



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... Respondents in W.P.(MD).No.6369 of 2018

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent herein to give notional promotion to the petitioners as Deputy Block Development Officer, Theni on the basis of their representation, dated 27.12.2017 with all monetary benefits therein within the time stipulated by this Court.

For Petitioners : M/s. K.Malathi

For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader

For R5 to R14 : Mr.R.V.Rajkumar

For R4 : No appearance



C O M M O N O R D E R

The petitioners were appointed as Junior Assistants in the Rural Development and Panchayat Raj Department. They had earlier filed W.P.(MD).Nos.337 and 338 of 2018 seeking an identical prayer as sought for in these writ petitions. That writ petitions came to be closed as withdrawn, since private respondents, as arrayed now, had not been arrayed therein. Thus, the present round of litigation, arraying the private parties as respondents.

2. The petitioners would argue that they are entitled to promotion as Deputy Block Development Officer, in light of Rule (30) (c) of the Special Rules relating to the Tamil Nadu Ministerial Services. As regards the promotion of the private respondents, they would state that they are not entitled for such promotion, since they have not undergone mandatory training for one year as Junior Assistant.

3. Learned Special Government Pleader appearing for the State would submit that the period of training has been held not to be mandatory, relying upon the decisions in W.P.No.15180 of 2013 dated 14.06.2013, W.A.No.2216 of 2013 dated 03.04.2014 and an order passed in Contempt Petition No.2219 of 2011 dated 18.08.2014.

4. He would also seek to impress upon the Court that the orders of appointments of the private respondents have become final and have not been questioned by the petitioners.

5. At this juncture, learned counsel for the petitioners would state that they petitioners would rest content with the disposal of their representation by R3, after hearing the petitioners. Learned Special Government Pleader has no objection to such a course of action.

6. Thus, a direction is issued to R3 to hear the petitioners and dispose their representations, all dated 27.12.2017, within a period of six weeks from date of uploading of the copy of the order in the official website of this Court, bearing in mind the decisions cited aforesaid, relevant Rules as well as any other material that may be placed on record by the petitioners before him for consideration. If the order to be passed by R3 touches upon the services of the private respondents or any of their service benefits, they shall be heard prior to passing such order. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

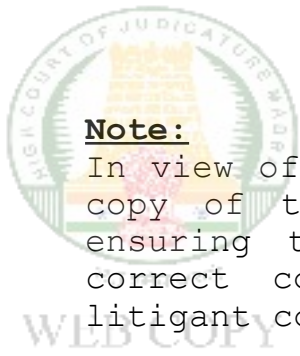
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

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+2 CC to M/s.K. MALATHI, Advocate (SR-36582,36583[F] dated 30/11/2021)

+1 CC to M/s.SPL GP (SR-36735,36772[F] dated 01/12/2021)