



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.1477, 3117 and 7081 of 2021

and

W.M.P. Nos.1668, 3357, 3540, 3541, 3542 and 7602 of 2021

V. Venkatesan .. Petitioner in WP No.1477 of 2021
1. S. Sadaippan
2. T. Balasubramanian .. Petitioners in W.P. No.3117 of 2021
G. Elango .. Petitioner in W.P. No.7081 of 2021

vs

1. The State rep. by its Secretary to Government
Rural Development and Panchayat Raj (E3) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Tamil Nadu Public Service Commission,
Rep. by Secretary,
Esplanade,
George Town,
Chennai - 600 003.

3. The Director of Rural Development and Panchayat Raj,
Saidapet,
Chennai - 600 015.

4. A. Kutralingam
5. R. Harikrishnan
6. A. Saravana Kumar

... Respondents in W.P.
No.1477 of 2021



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1. The State of Tamil Nadu Represented by
The Additional Chief Secretary to Govt.
Rural Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Director,
Rural Development Department,
Panagal Malaigai,
Chennai - 600 015.

3. The Tamil Nadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road,
Park Town,
VOC Nagar,
Chennai - 600 033.

4. Kuttalingam
5. A. Saravanakumar
6. R. Harikrishnan

... Respondents in W.P.
No.3117 of 2021

1. State of Tamil Nadu Represented by
The Additional Chief Secretary to Govt.
Rural Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Director,
Rural Development Department,
Panagal Malaigai,
Chennai - 600 015.



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3. The Tamil Nadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road,
Park Town,
VOC Nagar,
Chennai - 600 033.

4. S. Arumugam
5. M. Kavitha

... Respondents in W.P.
No.7081 of 2021

Prayer in W.P. No.1477 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 herein from making any promotion to the post of Chief Engineer till the seniority list to the post of Assistant Engineers (Rural Development) Panchayat 1997 is revised as per the Orders of this Hon'ble Court dated 15.11.2019 in W.P. Nos.998 of 2017 batch as confirmed by the Hon'ble Supreme Court of India, dated 06.07.2020 in SLP Nos.2861-2876 of 2020.

Prayer in W.P. No.3177 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in G.O. (MS) No.25 Rural Development & Municipal Administration (A3) Department, dated 09.02.2021 and quash the same and further direct the respondents 1 - 3 to consider the petitioners for promotion to the post of Chief -Engineer (RD).



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Prayer in W.P. No.7081 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the 1st respondent proceedings in G.O. (D) No.42, dated 23.02.2021 and quash the same.

W.P. No.1477 of 2021

For Petitioner : Ms.AL. Gandhimathi
For respondents : Mr.Stalin Abimanyu,
Addl. Govt. Pleader for R1 & R3
Ms.Niraimathi
Standing counsel for R2/TNPSC
Mr.Ravi Shanmugam
Standing counsel for R4 & R5
R6 - Served - No appearance

W.P. No.3117 of 2021

For Petitioners : Mr.V. Vijay Shankar
for M/s.Adithya Reddy
For respondents : M/s.Ravi Shanmugam
Standing counsel for R4 & R6
Mr.Stalin Abimanyu,
Addl. Govt. Pleader for R1 & R2
Ms.Niraimathi,
Standing counsel for R3/TNPSC
R5- Served - No appearance

W.P. No.7081 of 2021

For Petitioner : Mr.S.R. Raghunathan
for M/s.Adithya Reddy
For respondents : Mr.Stalin Abimanyu,
Addl. Govt. Pleader for R1 & R2
Ms.Niraimathi
Standing counsel for R3/TNPSC
R4 - No appearance
R5- Served - No appearance



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COMMON ORDER

The grievance of the petitioners in these writ petitions is that till date, even though seniority has been revised pursuant to the directions given by the Hon'ble Supreme Court, in its order dated 1.10.2021 in Conmt. Pet.(C) No.638/2017 in C.A. No.4954 of 2016, the promotion has not been granted to the petitioners.

2. The Hon'ble Supreme Court by the aforesaid order directed the TNPSC to strictly fix the seniority based on merit and not on the basis of roster point. It is not in dispute that pursuant to the aforesaid order of the Hon'ble Supreme Court, revised seniority list has been published on 12.10.2021. The earlier seniority has also been nullified on 20.10.2021, which is also not in dispute. The only grievance of these petitioners is that though the seniority list has been revised, they have not been granted promotions, as per the revised seniority list. According to them, their juniors are continuing to hold higher positions till date despite the Hon'ble Supreme Court order and the order of the Hon'ble Supreme Court referred to supra has not been implemented in letter and spirit.



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3. A status report was called for from the respondents. They have only sought time to implement the order of the Hon'ble Supreme Court in letter and spirit. Earlier this Court by its order dated 28.04.2022 passed in these batch of writ petitions directed the respondents to complete the entire exercise of implementing the order of the Hon'ble Supreme Court in letter and spirit, within a period of six months. Even though, the order was passed on 28.04.2022, even now, the respondents seek further time as seen from the status report, which has been taken on record by this Court.

4. The grievance of the respective petitioners is that the persons, who are their juniors are still holding adhoc positions on an adhoc basis, even though they are not entitled for the same pursuant to the directions given by the Hon'ble Supreme Court. They seek for immediate reversion of the said persons to the rank lower to that of the said petitioners.

5. The Additional Government Pleader appearing for the respective respondents has not disputed any of the contentions of the petitioners. But however, he seeks one year period for completion of the entire exercise. Having given sufficient time already by this Court on 28.04.2022, the question of granting one year period for the respondents



to complete the exercise as per the directions of the Hon'ble Supreme Court will be too long and cannot be granted by this Court.

6. The only indulgence that can be shown by this Court considering the representations made by the respondents in the status report is to grant them four months time for completing the entire exercise of granting promotions to these petitioners and thereby reverting the persons (juniors of the petitioners) to a post lower in rank to these petitioners.

7. The learned counsel for the private respondents, who are juniors to the petitioners, who are presently holding the positions on adhoc basis and whose rank is higher to that of these petitioners presently would submit that only based on merit, the promotion panel will have to be re-fixed. He seeks for interim protection for the respective private respondents to continue with their present employment till the entire exercise is completed by the respondents. Since the promotion panel is yet to be published the request of the private respondents to hold on to their positions can be granted by this Court till final orders are passed.

8. Since the respective private respondents continue to remain in adhoc basis and admittedly they are juniors to the respective petitioners



they are not permitted to initiate disciplinary proceedings against these petitioners.

9. For the foregoing reasons, these writ petitions are disposed of by issuing the following directions :

a) In view of the admitted fact that the private respondents are juniors to these petitioners, the impugned order dated 23.02.2021 has to be necessarily quashed after a period of four months or on finalization of the promotion panel, whichever date is earlier.

b) the respective private respondents shall hold on to their respective positions for a period of four months or on finalization of the promotion panel by the respondents, whichever date is earlier.

c) the respondents shall complete the exercise of finalizing the promotion panel, within a period of four months from the date of receipt of a copy of this order.

d) Since the respective private respondents are legally not entitled to hold on to their respective positions as they are juniors to these petitioners, it is made clear that they do



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not have any authority under law to initiate disciplinary proceedings against these petitioners.

No costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

Note : Issue order copy on 23.12.2022

Index:Yes/No

Speaking order/Non-speaking order

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To

1. The Secretary to Government
Rural Development and Panchayat Raj (E3) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Tamil Nadu Public Service Commission,
Rep. by Secretary,
Esplanade,
George Town,
Chennai - 600 003.

3. The Director of Rural Development and Panchayat Raj,
Saidapet,
Chennai - 600 015.



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ABDUL QUDDHOSE, J.

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4. The Additional Chief Secretary to Govt.
Rural Development Department,
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Chennai - 600 009.

5. The Director,
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Panagal Malaigai,
Chennai - 600 015.

6. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
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7. The Additional Chief Secretary to Govt.
Rural Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

8. The Director,
Rural Development Department,
Panagal Malaigai,
Chennai - 600 015.

W.P. No.34331 of 2022

21.12.2022