



WEB COPY



W.P.No.1660 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1660 of 2022

1.T.Ramesh
2.D.Rajendran

... Petitioners

Versus

1.The Secretary to Government.
Department of Rural Development and Panchayat Raj,
Fort St.George, Chennai.

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

3. The Collector,
Cuddalore District, Cuddalore

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to consider and appoint the petitioners as Deputy Block Development Officers or in other equivalent post by relaxing the provisions of Tamil Nadu Ministerial Service Rules by providing suitable promotional opportunities to the petitioners.

For Petitioners : Mr.N.Balamuralikrishnan

For Respondents : Mr.L.S.M.Hasan Fizal
AGP



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ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider and appoint the petitioners as Deputy Block Development Officers or any other equivalent post by relaxing the provisions of Tamil Nadu Ministerial Service Rules based on the petitioners' representation dated 15.12.2021 within a time frame to be fixed by this Court.

2. The petitioners were appointed as Drivers in the year 2008 and their lands were acquired by the respondents. However, according to the petitioners, till date, they have not been promoted to any suitable post by granting relaxation under the Tamil Nadu Ministerial Service Rules. According to them, similarly placed drivers were promoted, but, they have been discriminated. In such circumstances, the petitioners have given a representation on 15.12.2021 requesting for promoting them to any suitable posts. Since their representations have not been considered, they have filed this writ petition.

3. Heard Mr.N.Balamuralikrishnan, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.Vijay Shankar, learned counsel accepts notice on behalf of the fourth respondent.



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4. At the outset, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that as a matter of right, the petitioners cannot seek for promotion. It is further contended that there is no avenue for promotion for the post of drivers.

5. The petitioners have filed documents along with this writ petition to substantiate their claim that they are entitled for promotion. It is for the respondents to consider the same on merits and in accordance with law.

6. No prejudice would be caused to the respondents if the petitioners' representation, as stated supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the respondents 1 and 2 to pass final orders on merits and in accordance with law on the petitioners' representation dated 15.12.2021, seeking for being promoted to any suitable post, within a period of twelve weeks from the date of receipt of a copy of this order.

ABDUL QUDDHOSE,J.



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With the aforesaid direction, the writ petition is disposed of. No costs.

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Secretary to Government.
Department of Rural Development and Panchayat Raj,
Fort St.George, Chennai.
2. The Director of Rural Development,
Panagal Maligai, Saidapet, Chennai-15.
3. The Collector,
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