



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.9977 OF 2010

R.Vijayan

...Petitioner

Vs.

1.The District Collector,
Namakkal, Namakkal District.

2.C.Sadasivam,
Assistant,
Rural Development & Panchayatraj Unit,
Vennandur, Namakkal District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the order passed by the 1st respondent in Pa.Mu.No.Ne.2/6048/2009 dated 13.04.2009 and quash the same and consequently direct the 1st respondent to give notional promotion to the petitioner as Assistant from the date of passing the Departmental test namely 31.12.2002 with all consequential service and monetary benefits.

For Petitioner : M/s.R.Muthukkannu

For Respondent 1 : Mr.S.Rajesh
Government Advocate

For Respondent 2 : No Appearance

ORDER

This writ petition was filed challenging the order passed by the 1st respondent dated 13.04.2009, on the premise that the respondents have erred in not considering the petitioner's claim for promotion from the post of Junior Assistant to Assistant while preparing the Assistant panel for the year 2003-04 and 2004-2005. Admittedly, the petitioner's name was included in the panel for promotion for Assistant during the year 2005 and he was promoted as Assistant vide proceedings of the first respondent dated 28.12.2005.



WEB COPY

2. The grievance of the petitioner in this writ petition is that they ought to have been considered for promotion even while the promotion panel was being prepared for the year 2003, 2004 and 2005 inasmuch as the petitioner passed the departmental test as early as 31.12.2002.

3. It is submitted by the learned counsel for the respondents that insofar as the years 2003 and 2004 are concerned, the petitioner's name was not included in the panel inasmuch as the petitioner did not submit any proof of passing Departmental test to the Head Office to verify his eligibility for recommending his name for inclusion in the panel and that details of the result of Departmental test was produced only during September 2003 i.e, after the promotion to Assistant cadre for the year 2003 was prepared. Hence, his non inclusion was only in view of the failure on the part of the applicant to submit the requisite details.

4. Insofar as the panel for the year 2004-05 is concerned, the learned Government Advocate for the respondents, Mr.Rajesh on instructions submits that the petitioner would be given notional promotion and consequential benefits on the basis of the 2004-2005 promotion panel.

5. Recording the submission made by the learned Government counsel for the respondents, it is directed that the above exercise shall be carried out by the 1st respondent within a period of 12 weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mka

To

The District Collector,
Namakkal, Namakkal District.

+1cc to M/s.R.Muthukannu, Advocate Sr.No.2101

+1cc to the Government Pleader Sr.No.2247

W.P.No.9977 of 2010

RGN(CO)

RVM(14/02/2022)