



W.P.No.26245 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.26245 of 2012

M.Selvarasu

...Petitioner

-Vs-

1.The Commissioner of Rural
Development Department,
Panagal Building,
Saidapet, Chennai - 600 015.

2.The District Collector (PD Section),
Nagapattinam District,
Nagapattinam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner in the cadre of Assistant by including his name in the list of Assistant for the year 2003-04 with consequential benefits such as notional promotion in the cadre of Assistant and Deputy Block Development Officer and other monetary benefits including higher pensionary benefits.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.C.Selvaraj,
Additional Government Pleader



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ORDER

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With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein was originally appointed as Junior Assistant on 04.01.1995 under the first respondent Department. Owing to a delay in passing of the departmental test, his probation was not declared in time and ultimately, the Government had relaxed the provisions for extending the probation of the petitioner and through the Government Order in G.O.(1D) No.637, Rural Development (E7) Department, dated 01.11.2006, the petitioner's service was regularized with effect from 04.01.1995.

3. In the mean time, the promotional panel to the post of Assistant was drawn for the year 2003-2004. As per the proceedings of the District Collector, Nagapattinam dated 09.05.2003, the name of the petitioner was directed to be deferred, with an observation that after regularization, his name would be included in the appropriate seniority. However, the petitioner herein was subsequently promoted to the post of Assistant, only with effect



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from 13.03.2007 and thereafter had retired in the year 2010. He now seeks for notional promotion to the post of Assistant on par with his juniors, who were promoted in the panel for the year 2003-2004.

4. When the District Collector himself, in his proceedings dated 09.05.2003, while drawing the promotional panel for the year 2003-2004 to the post of Assistant, had indicated that the petitioner's name would be included in the appropriate seniority on completion of his probation, his seniority ought to have been fixed in the appropriate place, when he was promoted to the post of Assistant on 13.03.2007. Thus, the petitioner would now be justified in seeking for notional promotion to the post of Assistant from the date on which his juniors were promoted in the promotional panel for the year 2003-2004.

5. In the light of these findings, the petitioner is granted liberty to make a representation to the first respondent, seeking for notional promotion to the post of Assistant on par with his immediate junior, who was promoted in the promotional panel for the year 2003-2004, together with consequential service and monetary benefits, including further promotions, if any. On



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receipt of such a representation, the first respondent shall consider the same, in the light of the observations made in this order, and pass appropriate orders, within a period of three (3) months from the date of receipt of the representation.

6. The Writ Petition stands allowed, accordingly. No costs.

10.03.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk

To

- 1.The Commissioner of Rural
Development Department,
Panagal Building,
Saidapet, Chennai - 600 015.
- 2.The District Collector (PD Section),
Nagapattinam District,
Nagapattinam.



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M.S.RAMESH,J.

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