

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.9178 of 2014
and M.P.No.2 of 2014

N.Senthilnathan ... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai - 600 015.

3. The District Collector,
Perambalur District, Perambalur.

4. The Block Development Officer,
Alathur Panchayat Union, Perambalur District.

5. D.Sangeetha,
Deputy Block Development Officer (Scheme),
O/o. Panchayat Union Office, Perambalur,
Perambalur District.

6. P.Stephen Anthony Samy,
Deputy Block Development Officer (Noon Meal),
O/o. Panchayat Union Office, Vepur,
Perambalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in his proceedings in Na.Ka. No. 6344/2013 Pa.A.6 dated 20.12.2013 and quash the same and direct the respondents to promote the petitioner to the post of Deputy Block Development Officer in preference to his juniors i.e. the respondents 5 and 6 and to grant all monetary and service benefits.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.L.S.M.Hasan Fizal (for R1 to R4)

Additional Government Pleader
No appearance (for R5 & R6)

O R D E R

The relief sought for in the present writ petition is to quash the memo dated 20.12.2013, rejecting the claim of the writ petitioner for promotion to the post of Deputy Block Development Officer.

2. The impugned proceedings states that the petitioner during the relevant point of time, did not possess the requisite qualification of one year of service in the post of Rural Welfare Officer Grade-I and therefore, he was not eligible for promotion to the post of Deputy Block Development Officer.

3. The learned counsel for the petitioner made a submission that the reasons stated in the impugned order is incorrect. Perusal of the service particulars of the petitioner would reveal that he was fully qualified for the post of Deputy Block Development Officer during the relevant point of time. That apart, the reason for not acquiring the requisite qualification of one year of service in the post of Rural Welfare Officer Grade-I, was at the instance of the department and for the mistake committed by the department by not posting the petitioner in a particular post would not be a ground to deny the promotion to the writ petitioner on par with his juniors to the post of Deputy Block Development Officer. In other words, it is contended that the petitioner has not committed any fault. He was not posted to serve in the post of Rural Welfare Officer Grade-I. Thus, the non acquisition of the requisite qualification cannot be a bar for promotion of the writ petitioner, to the post of Deputy Block Development Officer.

4. However, the learned Additional Government Pleader furnished the copy of the written instructions sent by the District Collector, Perambalur District in proceeding dated 18.02.2022, wherein the proceeding dated 09.04.2015 issued by the District Collector is enclosed. As per the said proceedings dated 09.04.2015, the writ petitioner was included in Sl.No.1 for promotion to the post of Deputy Block Development Officer and he was promoted to the said post in the year 2015 itself. Thereafter, the District Collector finalised the provisional seniority list and consequently issued the final seniority list in proceedings dated 25.04.2016, wherein the name of the writ petitioner has been included in Sl.No.27 in the cadre of the Deputy Block Development Officer as on 01.01.2016.

5. Thus, as on 01.01.2016, the seniority of the writ petitioner was fixed in the cadre of Deputy Block Development Officer in Sl.No.27. If at all any junior has been promoted before the promotion of the writ petitioner, and if he has got any other claim with reference to the final seniority list published, it is left open to the writ petitioner to prefer an appeal before the competent authority for the purpose of redressing his grievances.

6. Contrarily, the relief sought for in the present writ petition to grant promotion to the post of Deputy Block Development Officer, would not arise in view of the subsequent development of granting promotion to the writ petitioner and fixation of final seniority in the cadre of Deputy Block Development Officer. Thus, the petitioner is at liberty to redress his grievances by approaching the competent authority, if any exists.

7. The writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai - 600 015.

3.The District Collector,
Perambalur District, Perambalur.

4.The Block Development Officer,
Alathur Panchayat Union,
Perambalur District.

+1cc to the Government Pleader, S.R.No.40756

W.P.No.9178 of 2014

SV(CO)
SB(19/07/2022)