



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

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THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.25509 of 2021 and
W.M.P.Nos.26941 & 26942 of 2021

R.Ramesh

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj
Department,
Fort St.George, Chennai 600 009.
2. The Director,
Rural Development and Panchayat Raj
Department,
Panagal Building, Saidapet, Chennai 600 015.
3. The District Collector,
Ranipettai District.
4. The Block Development Officer,
Arakkonam Panchayat Union,
Ranipettai District.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceeding Na.Ka.PA2/150/2020 dated 31.08.2020 and in his proceeding Na.Ka.No.PA2/1728/2021 dated 28.07.2021 and quash the same in so far as the petitioner is concerned and consequently, direct the respondents herein to declare probation to the petitioner in the post of Assistant so as to enable the petitioner to get his further promotion as Deputy Block Development Officer in the panel year of 2020-2021 retrospectively with effect from 31.08.2020 i.e., the date on which his juniors got promotion as Deputy Block Development Officer with all monetary and other attendant benefits.

For Petitioner : Mr.K.Raja

For Respondents : Mr.G.Nanmaran, SGP, for RR1 to 3
Mr.T.Venkatesh Kumar for R4



O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceeding Na.Ka.PA2/150/2020 dated 31.08.2020 and in his proceeding Na.Ka.No.PA2/1728/2021 dated 28.07.2021 and quash the same in so far as the petitioner is concerned and consequently, direct the respondents herein to declare probation to the petitioner in the post of Assistant so as to enable the petitioner to get his further promotion as Deputy Block Development Officer in the panel year of 2020-2021 retrospectively with effect from 31.08.2020 i.e., the date on which his juniors got promotion as Deputy Block Development Officer with all monetary and other attendant benefits.

2. The case of the petitioner is as follows:

(i) The petitioner is a physically disabled person and was selected and appointed as Assistant by way of direct recruitment through TNPSC. He was appointed on 17.02.2014, against the quota reserved for physically disabled persons. Originally, he was appointed in the composite Vellore District. After trifurcation, he was allotted to Ranipet District and he has been working as Assistant in Arakkonam Panchayat Union, Ranipet District.

(ii) According to the petitioner, on 29.07.2020, a panel for the year 2020-21, was drawn up for consideration of candidates who were coming within the zone of consideration for promotion to the post of Deputy Block Development Officer. In the panel, the petitioner's name was found in Serial No.3. However, he was not granted promotion and the denial of the same was on the ground that his probation in the post of Assistant was not declared. According to the petitioner, he had undergone required Bhavani Sagar Training from 04.12.2016 to 28.01.2017 and also passed the Panchayat Development Account Test, Departmental Test for Staff under Tamil Panchayat Act and Rules and Constitution of India, Departmental Test under Scheme Administration and other required tests in 2018 and 2019. In view of the fact that the petitioner has cleared all the required tests for declaration of his probation, he has been requesting the authorities concerned to declare his probation from the date of his initial appointment.

(iii) According to the petitioner, in the panel of the year 2020-21, the petitioner's juniors were also included and were given promotion as Deputy Block Development Officer by proceedings dated 31.08.2020. However, unfortunately, due to delay in declaration of his probation and for no fault of the petitioner, he has been denied promotion when his juniors had been promoted to the next higher post for the panel year 2020-21. In the above circumstances, the petitioner is before this



Court challenging the orders, promoting his juniors, insofar as overlooking his claim is concerned.

3. Notice was issued. In response to the notice Mr.G.Nanmaran, learned Special Government Pleader entered appearance and filed a counter affidavit. In the counter, it is stated that since the petitioner has completed the departmental test after maximum period of five years, his probation could not be declared in time. However, it is added in the counter affidavit that a proposal has been sent to the Government seeking relaxation of the Rule 31(4) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, by the Director of Rural Development vide proceedings dated 28.07.2021 and orders are yet to be passed on the proposal.

4. The learned counsel appearing for the petitioner would submit that since the counter affidavit has clearly stated that the proposal is pending with the first respondent, direction may be issued to the first respondent to take a decision within a stipulated time to be fixed by this Court and the writ petition may be disposed of on that basis.

5. The learned Special Government Pleader for the respondents 1 to 3 would also agree for the disposal of this writ petition on the above said terms.

6. Since in the counter itself, it has been stated that the proposal is pending before the Government seeking relaxation of the relevant rules, for declaring the probation of the petitioner from the date of his initial appointment, this writ petition stands disposed of with a direction as under:

"The first respondent is directed to pass appropriate orders on the proposal of the Director of Rural Development dated 28.07.2021 stated to be pending before him, within a period of four weeks from the date of receipt of a copy of this order. On passing the order, a copy of the same shall be communicated to the petitioner forthwith."

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



gsk

To

1. The Secretary,
The Government of Tamil Nadu,
Rural Development and Panchayat Raj
Department,
Fort St.George, Chennai 600 009.
2. The Director,
Rural Development and Panchayat Raj
Department,
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3. The District Collector,
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4. The Block Development Officer,
Arakkonam Panchayat Union,
Ranipettai District.

+1cc to Mr.K.Raja, Advocate, S.R.No.6526

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MT (CO)
CT 08/03/2022