



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.7109 of 2020

&

WMP (MD)No.6552 of 2020

M.S.P.Parameswaran

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai-600 009.
2. The Director,
Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai-600 015.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The Block Development Officer (BP),
Sattur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent i.e., the Director of Rural Development and Panchayat Raj, Chennai in his in Na.Ka.No.9270/2018/C3 dated 09.12.2019 and the records of the third respondent i.e., the District Collector, Virudhunagar in his NA.KA.b3/14770/2017 dated 19.12.12019 and quash the same and consequently direct the first and second respondents i.e., the Secretary to Government, Rural Development and Panchayat Raj Department, Chennai and the Director of Rural Development and Panchayat Raj, Chennai to include the name of the petitioner in the approved list of Assistant of the year 2010 and notionally promote the petitioner as Deputy Block Development Officer on par with his junior Thiru.C.Nehruharidass, within a specified time frame that may be fixed by this Hon'ble Court.



For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.M.Ramesh
Government Advocate
for R1 to R4

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ORDER

The writ on hand has been filed to call for the records of the second respondent in Na.Ka.No.9270/2018/C3 dated 09.12.2019 and the records of the third respondent i.e., the District Collector, Virudhunagar in his NA.KA.b3/14770/2017 dated 19.12.2019 and quash the same and consequently to direct the first and second respondents to include the name of the petitioner in the approved list of Assistant of the year 2010 and notionally promote the petitioner as Deputy Block Development Officer, on par with his junior Thiru.C.Nehruharidass.

2.The petitioner states that he is presently working as Assistant in Block Development Officer, Sattur. He was appointed as Junior Assistant on compassionate ground on 26.04.2007 and joined duty on 26.04.2007 and his service was regularised as per G.O.(3D) No.58, Rural Development & Panchayat Raj Department, dated 23.09.2015. After a lapse of about 8 years with retrospective effect from 26.04.2009, ie., from the date of appointment. Probation was also declared as per G.O.No.425, dated 07.10.2016 with retrospective effect from 26.04.2007. Subsequently, the petitioner was promoted to the post of Assistant and joined duty on 22.05.2017.

3.The petitioner states that he passed all prescribed departmental tests and therefore, he is fully qualified for promotion to the post of Assistant. However, his case was not considered during the relevant point of time, in view of the fact that the departmental disciplinary proceeding was pending against him. In view of the fact that there was a long delay in regularizing the service of the petitioner and to declare his probation. Such delay would not affect the promotional opportunity of the writ petitioner. Subsequently, during the year 2019, a charge memo was issued to the petitioner. However, the disciplinary proceedings initiated were dropped by the competent authorities subsequently. Thus, the petitioner has fully qualified for promotion to the post of Assistant.

4.The learned Additional Government Pleader appearing for the respondents, based on the written instructions, submitted that the District Collector, Virudhunagar, submitted necessary proposal to the first respondent for passing of appropriate orders along with service particulars of the writ petitioner.

5.The learned counsel for the petitioner made a submission that if the first respondent is directed to consider the



proposal submitted by the District Collector, Virudhunagar, and take appropriate decision.

6. Accordingly, the first respondent is directed to consider the proposal submitted by the District Collector, Virudhunagar, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order.

7. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-600 009.
2. The Director,
Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.
3. The District Collector,
Virudhunagar District, Virudhunagar.
4. The Block Development Officer (BP),
Sattur, Virudhunagar District.

+1 CC to M/s.SPL.GP. (SR-19750[F] dated 20/04/2022)

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-19977[F] dated 21/04/2022)

W.P. (MD) No. 7109 of 2020

&

WMP (MD) No. 6552 of 2020

19.04.2022

NS

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