



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No. 10839 of 2021

B.Kottai Illangovan

... Petitioner

Vs.

1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.

2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, 4th and 5th Floor,
Abdul Razzak Street,
Saidapet,
Chennai-600 015.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent ie., the Director of Rural Development and Panchayat Raj, Chennai to forward the proposals to Government based on the proposals sent by the third respondent ie., the District Collector, Ramanathapuram in his R.C.V3/29061/2017 dated 29.06.2020 for relaxation of relevant Rules ie., 3(b)(3) of the Tamil Nadu Rural Development Subordinate Service Rules for inclusion in the approved list of Deputy Block Development Officers of the year 2010-2011 within a specified time frame and the first respondent ie., the Secretary to Government, Rural Development and Panchayat Raj Department, Chennai may be directed to pass appropriate orders on receiving the proposals within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.S.Nedunchezian
Government Advocate



ORDER

The relief sought for in the present writ petition is to direct the second respondent to forward the proposals to Government, based on the proposals sent by the third respondent in his R.C.V3/29061/2017 dated 29.06.2020, for relaxation of relevant Rules ie., 3(b)(3) of the Tamil Nadu Rural Development Subordinate Service Rules, for inclusion in the approved list of Deputy Block Development Officers of the year 2010-2011 within a specified time frame and the first respondent may be directed to pass appropriate orders on receiving the proposals.

2.The petitioner is working as Deputy Block Development Officer and there was a long delay in regularizing the service of the petitioner ie., about 20 years. However the benefit of regularization is restricted from the date of the Government Order ie., on 17.09.2013.

3.The learned counsel for the petitioner made a submission that when the petitioner was regularly appointed as Junior Assistant and working continuously, the delay in regularizing the service would not affect the service of the petitioner. In this regard, the petitioner filed a writ petition in W.P(MD)No.18734 of 2013 and the said writ petition was allowed by this Court and a direction was issued to the first respondent therein to take into account the long service rendered by the petitioner and if necessary grant relaxation.

4.With reference to the order of this Court, the District Collector, Ramanathapuram, sent a proposal to the second respondent in proceedings dated 29.06.2020. The said proposal is to be forwarded to the first respondent for passing appropriate order on merits an accordance with law.

5.The grievance of the writ petition is that he suffered for about 20 years for getting benefit of regularization and thereafter, approached the Court for counting of the past service and thereafter, at the proposal stage also, there is a delay in taking a decision.

6.Considering the facts and circumstance, the second respondent is directed to forward the proposal sent by the District Collector on 29.06.2020 to the first respondent within a period of four weeks from the date of receipt of a copy of this order and the first respondent is directed to consider the proposal and take a decision and pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.



7. With the above direction, this Writ Petition stands disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar

/ /2022

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.
2. The Director of Rural Development and Panchayat Raj,
Panagal Maligai, 4th and 5th Floor,
Abdul Razzak Street,
Saidapet,
Chennai-600 015.
3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.S. VISVALINGAM, Advocate (SR-21610[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21852[F] dated 27/04/2022)

ORDER MADE IN

W.P. (MD)No. 10839 of 2021

26.04.2022

MK/06.06.2022/3P/6C