



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15220 of 2020

M.Murugan

... Petitioner

-VS-

1.The Additional Chief Secretary
to Government,
Rural Development and Panchayat
Raj Department,
Fort St. George, Chennai - 600 009.

2.The Director of Rural Development,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Madurai - 625 020.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to refix the petitioner seniority in the Cadre of Deputy Block Development Officer with effect from 11.08.2003 on par with petitioner Junior Tmt.P.Seethalakshmi who was elevated as Deputy Block Development Officer on 11.08.2003 and included in the approved list of Block Development Officer of the year 2004 and further promote the petitioner as Block Development Officer and further direct the respondents to promote the petitioner as Assistant Director of Rural Development with effect from 30.01.2009 on par with petitioner's junior Tmt.P.Seethalakshmi and to fix petitioner's pay in the cadre of Assistant Director of Rural Development as that of Tmt.P.Seethalakshmi for getting pension on par with petitioner's junior and further direct the respondents to give all the service and other monetary benefits to the petitioner.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader.



O R D E R

The relief sought for in the present writ petition is to direct respondents to re-fix the petitioner's seniority in the Cadre of Deputy Block Development Officer with effect from 11.08.2003 on par with the petitioner's Junior Tmt.P.Seethalakshmi who was elevated as Deputy Block Development Officer on 11.08.2003 and included in the approved list of Block Development Officer of the year 2004 and further promote the petitioner as Block Development Officer and further direct the respondents to promote the petitioner as Assistant Director of Rural Development with effect from 30.01.2009 on par with petitioner's junior Tmt.P.Seethalakshmi and to fix the petitioner's pay in the cadre of Assistant Director of Rural Development as that of Tmt.P.Seethalakshmi for getting pension on par with petitioner's junior and further direct the respondents to give all the service and other monetary benefits to the petitioner.

2. The grievance of the petitioner is that his name was not considered for promotion on account of the pendency of the disciplinary proceedings. However, the allegations against the writ petitioner were dropped and he was exonerated from the allegations. Therefore, the petitioner submitted an application for grant of retrospective promotion on par with his junior.

3. The learned counsel for the petitioner made a submission that such notional promotions were granted in the cadre of Deputy Block Development Officer as well as in the cadre of Block Development Officer. However, the benefit was not extended to the cadre of Assistant Director of Rural Development.

4. The learned Additional Government Pleader made a submission that when the notional benefits are granted in the feeder categories, viz., Deputy Block Development Officer and Block Development Officer, then it is to be extended to the Assistant Director of Rural Development also. It is further submitted that the authorities will be considering the said benefit in accordance with the rules in force.

5. In view of the fact that the departmental disciplinary proceedings initiated against the writ petitioner were dropped and he was exonerated from the allegations, he is liable to get all benefits on par with his junior. While so, the benefit was already extended in the cadre of Deputy Block Development Officer and Block Development Officer and therefore, the respondents are bound to consider the said benefit in the cadre of Assistant Director of Rural Development. The respondents are also directed to complete the said exercise within a period of four months from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr

To

1.The Additional Chief Secretary
to Government,
Rural Development and Panchayat
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Fort St. George,
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2.The Director of Rural Development,
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3.The District Collector,
Madurai - 625 020.

+1 CC to M/s.SPL.GP (SR-23213[F] dated 02/05/2022)

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RK(24/05/2022) 3P 5C