



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22693 of 2019

K.Narayanasamy

... 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 Department
Panagal Buildings, Saidapet
Chennai-600 015

3. The District Collector
Theni District,
Theni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent ie. the Director of Rural Development and Panchayat Raj Department, Chennai to send the ratification proposals to the Government for promoting the petitioner as Office Assistant within a specified time frame and direction to the Government to pass appropriate orders on the ratification proposals received from the Director of Rural Development and Panchayat Raj Department, Chennai.

For Petitioner : Mr.S.Visvalingam

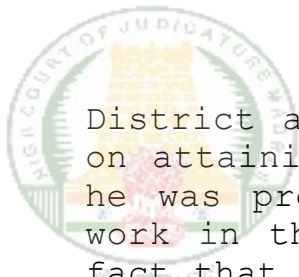
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The grievance of the petitioner is that the proposal submitted by the second respondent on 05.12.2018 for ratification of his promotion to the post of Office Assistant is not considered by the first respondent till date.

2. The petitioner was working as Office Assistant in the
Office of the Commissioner of Panchayat Union, Bodinayakkanur, Theni

<https://hcservices.courts.gov.in/hcservices/>

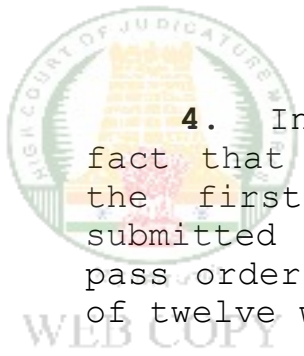


District and he was allowed to retire from service on 30.06.2018 on attaining the age of superannuation. While he was in service, he was promoted to the post of Office Assistant and allowed to work in the said post and retired subsequently. In view of the fact that the petitioner had not possessed requisite qualification for promotion to the post of Office Assistant, the Authorities submitted a proposal to the Head of the Department, who forwarded the proposal to the first respondent on 05.12.2018 for passing appropriate orders. However, the first respondent has not passed final orders for the past about 3 ½ years.

3. The learned Additional Government Pleader appearing for the respondents made a submission that the proposal submitted by the second respondent is under consideration of the first respondent and the facts to that effect are narrated in Paragraph Nos.9 and 10 of the counter affidavit filed by the respondents, which read as follows:

"9. I respectfully state that in pursuance of the continued correspondence with the second respondent Director of Rural Development and Panchayat Raj Department Chennai in the subject matter of the writ petition, the Government / 1st Respondent herein in Letter No.27693/E5/2015-1 dated 16.05.2019 called for certain additional particulars from the 2nd Respondent Director of Rural Development and Panchayat Raj Department Chennai and accordingly, the 2nd Respondent in turn called for the additional particulars from the 3rd Respondent and the said particulars called for have been furnished for in my letter ந.க.எண் .35982/2017ஊ.வ.6, dated 05.09.2019 and by my latest letter ந.க.எண் .35982/2017/ஊ.வ.6, dated 06.01.2020. The 2nd respondent Director of Rural Development and Panchayat Raj Department Chennai has already taken the proposals for consideration and has sent the proposals to the Government, requesting necessary ratification vide letter ந.க.எண் :18078/2018/இ.3, நாள் :05.12.2018.

10. I respectfully state that under the said circumstances, the request of the petitioner is in active consideration to pass appropriate orders regarding the ratification. Once the order of ratification is obtained from the Government, the 1st Respondent, necessary proposal will be sent to the Director of Local Fund Audit, Chennai for authorization of Pensionary benefits to the Petitioner. Therefore, the Petition is premature and is not maintainable either on facts or on law and therefore, liable to be dismissed in-limine. I reserve my right to file additional counter if and when required."



4. In view of the above facts and circumstances and also the fact that the petitioner has already been retired from service, the first respondent is directed to consider the proposal submitted by the second respondent for grant of ratification and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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 Department,
Panagal Buildings, Saidapet,
Chennai-600 015.
3. The District Collector,
Theni District, Theni.

+1 CC to M/s.SPL GP (SR-12473[F] dated 16/03/2022)

W.P. (MD) No.22693 of 2019

15.03.2022

USK/25.03.2022/3P/5C