



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.18577 of 2017

WEB COPY

A.P.Murugesan

... Petitioner

vs

1. The Director of Rural Development,
Panagal Building, Saidapet,
Chennai -15.

2. The District Collector,
Trichy District, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with Impugned Order passed by the 2nd respondent in Na.Ka.Tha.3/6564/2015 dated 11.04.2017 and quash the same and consequently direct the respondents to Re-fix the Seniority of the petitioner just above Savarimuthu in Sl.No.276 in the category of Grama Sevak Grade-II in the Seniority List as on 31.12.1984 dated 27.10.1985 and to extend the benefit of similarly placed T.G.Andorson by order of the 2nd respondent dated 24.03.2012 and consequently to promote the petitioner as Deputy Block Development Officer and Block Development Officer with all monetary service and retirement benefits.

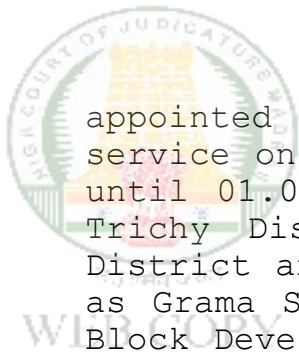
For Petitioner : Mr.S.Govindan

For Respondents : Mr.S.Kameswaran
Government Advocate (Civil Side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 11.04.2017 and consequently, direct the respondents to re-fix the seniority of the petitioner above the junior, namely, Savarimuthu and T.G.Andorson and promote the petitioner as Deputy Block Development Officer and Block Development Officer with all monetary benefits.

2. The brief facts of the case are that the petitioner had passed two years Certificate Course in Agriculture. The petitioner was recommended to be appointed as Grama Sevak Grade II under Indo-German Nilgiris Development Project by order dated 31.12.1971 and



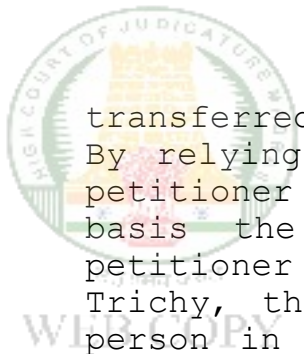
appointed as Grama Sevak Grade II at Uthagamandalam and joined the service on 01.02.1972. The petitioner is working there continuously until 01.09.1978. Subsequently, the petitioner was transferred to Trichy District in T. Palur Block, Udayarpalayam Taluk, Trichy District and joined on 07.09.1978. The petitioner continued to work as Grama Sevak Grade I, then promoted as Extension Officer, Deputy Block Development Officer and Block Development Officer and retired on 30.04.2007. The contention of the petitioner is that he was appointed as Grama Sevak Grade II on 31.12.1971 and joined duty on 01.02.1972 and subsequently transferred to Trichy District on 07.09.1978. The petitioner's earlier service for a period from 01.02.1972 to 06.09.1978 was not taken into account for the purpose of seniority and consequential promotion and other service benefits. The seniority list of Trichy District in the category of Junior Assistants, Cashier and Grade II Rural Welfare Officer as on 31.12.1984, the petitioner was placed Junior most and placed in Sl.No.325. According to the petitioner, he should have been placed in Sl.No.276 just above Savarimuthu, who was appointed on 27.03.1972 as Grama Sevak Grade II. The petitioner is comparing yet another similarly placed person, namely, T.G. Andorson, who was transferred to Agricultural Department, Tirunelveli District to Trichy District on 22.05.1975 was placed in Sl.No.330 in the order of date of joining. The petitioner was selected based on the Division Bench order rendered in W.P.(MD)No.19960 of 1998 batch dated 19.04.2005.

3. The second respondent has filed a counter affidavit stating that the petitioner has claimed the benefits belatedly and the same is hit by laches. The petitioner was transferred from Ooty to Trichy because the petitioner who was working in Indo-German Nilgiris Development Project have disbanded and in order to accommodate other persons who were working in the Project were transferred in the available vacancies. The petitioner is seeking to include the said service and to grant the petitioner's pensionary benefits and the seniority was drawn by the District Collector in the year 1985 but the petitioner has challenged in the year 1990 and has filed a petition in the year 2017. Therefore, the respondents prayed to dismiss the writ petition.

4. Heard Mr.S.Govindan, learned Counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.

5. It is seen from the records that the petitioner was working under the Project in Nilgiris and after the disbandment of the said Project, the petitioner was transferred to Trichy District in the same post and the issue is whether such period can be included or not. However, both the petitioner and the respondents have not clarified this.

6. The contention of the petitioner is that similarly placed T.G.Andorson was granted the relief who was



transferred from Agricultural Department to the Revenue Department. By relying on the Division Bench order dated 19.04.2005 both the petitioner and the respondent did not clarify the facts on what basis the T.G. Anderson was granted. The contention of the petitioner is that the petitioner was transferred from Nilgiris to Trichy, then the petitioner ought to be placed as a Junior most person in the category in which the petitioner was serving. This aspect shall be taken into account while considering the petitioner's claim.

7. Therefore, this Court is of the considered opinion that the matter has to be remitted back to the authority. The authority shall take the facts and the judgments cited by the petitioner into consideration and after giving sufficient opportunity to the petitioner, shall decide whether the petitioner is eligible. If the petitioner is eligible then the respondents shall grant the relief to the petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Director of Rural Development,
Panagal Building, Saidapet, Chennai -15.
2. The District Collector,
Trichy District, Trichy.

+1 CC to M/s.S. GOVINDAN, Advocate (SR-19249[F] dated 19/04/2022)
+1 CC to M/s.SPL.GP. (SR-19404[F] dated 19/04/2022)

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