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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1291 of 2023
and W.M.P. No.1328 of 2023

P.K.Ananda Kumar

Petitioner

VS.

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
Chennai – 600 009
- 2.The Additional Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
Chennai – 600 009
- 3.The Joint Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
Chennai – 600 009
- 4.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai – 600 015.

- 5.The District Collector,
Krishnagiri District,
Collectorate Office,
Krishnagiri – 635 115.

Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 5th respondent in respect of the proceedings vide Na.Ka. No. K2/6021/2021 dated 28.04.2022 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.M.D.Ilayaraja

For Respondents : Mr.RU.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 28.04.2022, wherein, the 5th respondent has revised the seniority list for the post of Assistant and as a result of the same, the petitioner has been placed under the direct recruits.

2.The case of the petitioner is that he has been serving as Assistant in various Panchayat Unions. A seniority list was prepared in the year 2015 and a decision was also taken by the 5th respondent on 10.02.2021 whereby, the promotees were placed above the direct recruits. The grievance of the petitioner is that the 5th respondent through the impugned proceedings dated 28.04.2022



took a decision completely contrary to the earlier decision whereby, the direct recruits have been placed above the promotees and thereby, the direct recruits who had joined the service later than the promotees, have gone up in the seniority list.

3. Even in the impugned proceedings of the 5th respondent dated 28.04.2022, an opportunity has been given to the aggrieved person to file an appeal, within fifteen days. Accordingly, the petitioner has filed an appeal and the same was kept pending. The petitioner apprehended that the decision taken by the 5th respondent will be acted upon even without considering their appeal and hence, the present writ petition has been filed challenging the proceedings of the 5th respondent.

4. Heard Mr. RU. Dinesh Rajkumar, learned Additional Government Pleader appearing on behalf of the respondents, on instructions received from the office of the District Collector, Krishnagiri District, submitted that the appeal filed by the aggrieved persons is under consideration before the 5th respondent and hence, sought for some time to enable the 5th respondent to take a final decision in the pending appeals.



5. Taking into consideration the fact that the appeal filed before the 5th respondent is pending and some time is sought for to consider the appeal and to take a final decision, this writ petition is disposed of with a direction to the 5th respondent to take a final decision on the appeal filed by the aggrieved persons pursuant to the impugned proceedings dated 28.04.2022, within a period of four weeks from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

20.01.2023
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
St. George Fort,
Chennai – 600 009

2. The Additional Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
Chennai – 600 009

3. The Joint Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
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4. The Director,
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6

N. ANAND VENKATESH, J.

SSI

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