



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

Coram

The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

W.P.No.12460 of 2012

and M.P.Nos.1 & 2 of 2012

1. A. Sundaramurthy (died)

2. S. Jayanthi

3. S. Krishnaprasanth

4. Minor S.Tharani

... Petitioners

P2 to P4 are substituted in the place of
deceased P1 Mr.A.Sundaramurthy as per
order dated 23.09.2016 by RMDJ in
MP.No.1 of 2015 in WP.No.12460 of 2012

Versus

1. The District Collector

Vellore District,
Vellore.

2. The Block Development Officer,
Vellore.

3. The Director / Commissioner
of Rural Development & Panchayats
Panagal Building
Saidapet,
Chennai 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari mandamus to call for the
records on the file of the 1st respondent in connection with the order passed
by him in his proceedings in Na.Ka.B.C1/7755/2004 dated 02.09.2005



Na.Ka.B1 C1/5858/10 dated 03.11.2011 and also the order passed by the third respondent in his Proc.Na.Ka.No.12880/12/B3 dated 28.03.2012 and quash the same to the extent of treating the period of suspension as a Break in service (of the order dated 02.09.05) and to the extent of the observation at Serial No.558 against the name of the petitioner (of the order dated 03.11.11) and direct the respondent to give promotion to the petitioner to the post of Junior Assistant under 10% quota with effect from the date of promotion given to his juniors, namely R.Amudha and V.Subramani with all monetary and service benefits by issuing a writ of certiorarified mandamus.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Ms.M.Srividhya

For Respondents : Mr.S.Ravikumar
Spl. Government Pleader

ORDER

This writ petition has been filed to call for the records on the file of the 1st respondent in connection with the order passed by him in his proceedings in Na.Ka.B.C1/7755/2004 dated 02.09.2005 Na.Ka.B1 C1/5858/10 dated 03.11.2011 and also the order passed by the third respondent in his Proc.Na.Ka.No.12880/12/B3 dated 28.03.2012 and quash the same to the extent of treating the period of suspension as a Break in service (of the order dated 02.09.05) and to the extent of the observation at



Serial No.558 against the name of the petitioner (of the order dated 03.11.11) and direct the respondent to give promotion to the petitioner to the post of Junior Assistant under 10% quota with effect from the date of promotion given to his juniors, namely R.Amudha and V.Subramani with all monetary and service benefits.

2. Though the relief sought for in the writ petition is larger in nature, the learned senior counsel for the petitioner has restricted his relief by submitting that the legal heirs of the deceased petitioner may be permitted to submit a fresh representation to the first respondent/District Collector, Vellore District, Vellore who in turn may be directed to consider and dispose of the same within a particular time frame to be fixed by this Court.

3. The learned counsel appearing for the respondents submitted that they have no objection for the said order being passed by this Court.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:

(i) the legal heirs of the deceased petitioner are directed to send a fresh representation to the first respondent/The District Collector, Vellore district, Vellore, within a period of two weeks from the date of receipt of a copy of this order.

(ii) on such representation being made, the first respondent/The District Collector, Vellore district, Vellore is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

(iii) the first respondent shall also take note of the fact that the period of suspension of one year and three months is only for denial of wages and it should not be an impediment for promotion.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

22.06.2023

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Index : Yes/No



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To

1. The District Collector
Vellore District, Vellore.

2. The Block Development Officer,
Vellore.

3. The Director / Commissioner
of Rural Development & Panchayats
Panagal Building
Saidapet, Chennai 600 015.



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J. SATHYA NARAYANA PRASAD, J.

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