



WEB COPY



W.P.No.30067 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.30067 of 2010

1.S.Rajagopal

2.S.Thangam Rose

... Petitioners

vs.

1.The Secretary to Government,
Rural Development & Panchayat Raj Dept,
Fort St.George, Chennai – 9.

2.The Director of Rural Development & Panchayat Raj
Saidapet, Chennai – 15.

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with the impugned proceedings issued by him in Reference No.10204/2010/E.E.1 dated 2.11.2010 and quash the same and direct the respondents to prepare interse seniority between the direct recruits and promotees in the cadre of Asst. Engineer in the Rural Development Department and further direct the respondents to fix the seniority to the petitioners over and above the directly recruited Asst. Engineers for the year 2007-08 consider the claim of the petitioners for



W.P.No.30067 of 2010

promotion as Asst. Executive Engineer and grant them all consequential service and monetary benefits and grant such other relief.

For Petitioner : Mr.M.Muthappan

For respondents : Mr.R.Neethi Perumal
Government Advocate

ORDER

This Writ petition has been filed challenging the order of the impugned proceedings issued by him in Reference No.10204/2010/E.E.1 dated 2.11.2010 and quash the same and direct the respondents to prepare interse seniority between the direct recruits and promotees in the cadre of Asst. Engineer in the Rural Development Department and further direct the respondents to fix the seniority of the petitioners over and above the directly recruited Asst. Engineers for the year 2007-08, and to consider the claim of the petitioners for promotion as Asst. Executive Engineer and grant them all consequential service and monetary benefits.

2. Heard Mr.M.Muthappan, learned counsel for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate for the respondents.



W.P.No.30067 of 2010

3. Even though the petitioners had sought for refixation of seniority of the petitioners over and above the directly recruited Assistant Engineers for the year 2007-08. Such directly recruited Assistant Engineers had not been made as a party to this Writ Petition. Even at the time of filing this Writ Petition, the 1st petitioner was aged about 50 years.

4. The learned counsel for the petitioner seeks time to bring on record the said directly recruited Assistant Engineers. In view of the peculiar facts of the case, the permission sought for by the petitioner is declined as the 1st petitioner himself would have superannuated by now as he was aged about 50 years at the time of filing of this Writ Petition. Further, by now impleading the proposed parties, the petitioners seek to unsettle the rights that has been vested with them as they have been appointed in the year 2007-08.

5. Hence, this Writ Petition is dismissed. However, there shall be no order as to costs.



W.P.No.30067 of 2010

16.11.2023

WEB COPY

gba

Index : Yes/No

Speaking order : Yes/No

K.KUMARESH BABU, J.

gba

To

- 1.The Secretary to Government,
Rural Development & Panchayat Raj Dept,
Fort St.George, Chennai – 9.
- 2.The Director of Rural Development & Panchayat Raj
Saidapet, Chennai – 15.

W.P.No.30067 of 2010



WEB COPY



W.P.No.30067 of 2010

16.11.2023