



WEB COPY



WP.No.33780 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

WP.No.33780 of 2015
and M.P.No.1 of 2015

K.Balakrishnan

.. Petitioner

Versus

1.The Government of Tamil Nadu
Rep by its Secretary to the Department
Department of Rural Development & Panchayat Raj
Fort St.George, Chennai - 8

2.Director of Rural Development and Panchayat Raj
Directorate of Rural Development and Panchayat Raj
Panagal Building, Saidapet, Chennai - 15

3.District Collector
Thiruvannamalai District
Thiruvannamalai

4.The Accountant General of Tamilnadu
Office of Accountant General
(Accounts & Entitlements) Tamil nadu
361, Anna Salai, Teynampet
Chennai – 600 018

5.Treasury Officer
District Treasury Officer
Thiruvannamalai

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 25.02.2014 passed in G.O.(S) No.95 by the 1st



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respondent and quash the same and consequently direct 3rd Respondent to fix the seniority of the petitioner in accordance with the order passed in W.P.No.19960 of 1998 dated 19.4.2005 with retrospective effect from the date of appointment of the petitioner i.e on 20.12.1972 which the seniority ought to have been fixed and to grant and account the notional promotion increments and all other attendant benefits thereto .

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.K.Tippu Sultan for R1 to 5
Government Advocate
No appearance for R4

ORDER

This writ petition is filed challenging the order dated 25.02.2014 passed in G.O.(S) No.95 by the 1st respondent, quash the same and consequently direct the 3rd Respondent to fix the seniority of the petitioner in accordance with the order passed in W.P.No.19960 of 1998 dated 19.4.2005 with retrospective effect from the date of appointment of the petitioner i.e on 20.12.1972 which the seniority ought to have been fixed and to grant and account the notional promotion increments and all other attendant benefits thereto .

2. The facts of this case are covered by the Judgment of the Division Bench of this Court dated 19.04.2005 in W.P.Nos. 19960 to 19962 of 1998. In similar circumstances, this Court in W.P.No.1731 of 2012 dated 15.11.2017

has held as follows:

<https://www.mhc.tn.gov.in/judis>



“8.This Court has given its anxious consideration to the rival submissions of the learned counsel appearing for the parties and perused the materials and the pleadings placed on record. This Court is entirely in agreement with the contention putforth by the learned counsel Mr.V.R.Rajasekaran, appearing for the petitioner for more than one reason. Firstly, the order of the Division Bench dated 19.04.2005 rendered in W.P.Nos.19960 to 19962 of 1998 is squarely applicable to the present case and as rightly contended by the learned counsel that it is a judgment in rem but not a judgment in personam. Therefore, it is incumbent and imperative on the part of the authorities concerned to extend the benefit as directed by the Tamil Nadu Administrative Tribunal and also by the Division Bench of this Court to all the similarly placed persons like the petitioner. Secondly, it has to be seen that treating the petitioner differently from the other similarly placed employees would amount to gross violation of Articles 14 and 16 of the Constitution of India, since there is no intelligible diffenrentia between the petitioner and the other similarly placed persons for taking out a different view in the matter. All other contentions raised on behalf of the petitioner are well founded and this Court has no hesitation in accepting the same. This Court has taken a uniform view in favour of the employees concerned and passed orders recently on 22.09.2017 in W.P.No.34361 of 2014 in almost similar circumstances. Therefore, the petitioner has made out a case for grant of relief in all fours.”

3. In view of the above, this writ petition is allowed and consequently, the impugned order is set aside. The respondents are directed to implement the judgment of the learned Division Bench of this Court dated 19.04.2005 in W.P.Nos.19960 to 19962 of 1998 with reference to the seniority of the petitioner with all attendant and consequential benefits and notional promotion to the next higher post as RWO Grade I/Assistant/Extension Officer, Deputy Block Development Officer/Block Development Officer and Assistant Director as the case may be on notional basis. The said exercise shall be completed by



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the respondents within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

30.06.2023

dhk

Index: Yes/No

To

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