



W.P.No.8229 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8229 of 2015 and
MP.No.1 of 2015

V.Jaikumar

... Petitioner

Vs.

1.State of Tamilnadu rep. By its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-9

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

3.District Collector,
Salem District,
Salem

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent herein to forthwith promote the petitioner herein notionally to the post of Joint Director of Rural Development on par with his juniors included in the panel dated 14.02.2012 for the year 2011-12 and sanction difference in salary, arrears of pension and all other consequential monetary benefits in accordance with law.

For Petitioner : Mr.V.R.Rajasekaran



W.P.No.8229 of 2015

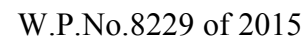
WEB COPY

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

This writ petition has been filed for direction to the first respondent to promote the petitioner notionally to the post of Joint Director of Rural Development on par with his juniors included in the panel dated 14.02.2012 for the year 2011 -2012.

2. The petitioner had joined as Gramasevak Grade-II / Rural Welfare Officer Grade-II in Tamilnadu Gramasevak Service. Thereafter, he was promoted as Assistant / Rural Welfare Officer Grade-I during the year 1987. Subsequently, he was promoted to the post of Extension Officer and then Block Development Officer with effect from 01.01.2003. Finally on 13.09.2007, he was promoted as Assistant Director / Assistant Project Officer, District Rural Development Agency in Erode district. He was retired from service on 31.01.2012. The post of Joint Director of Rural Development is filled up by promotion from the category of Assistant Director. The eligible Assistant Directors are considered for



3/6



W.P.No.8229 of 2015

WEB COPY

3. On perusal of counter filed by the respondents, revealed that the petitioner was not included in the panel of the year 2011-2012. The Government had issued GO.(D).No.93, Rural Development and Panchayat Raj(E1) Department dated 17.02.2012 promoting 12 Assistant Directors as Joint Directors from out of the names of 22 Assistant Directors included in the panel for the post of Joint Director of Rural Development for the year 2011-2012 in G.O.(4D) No.01 Rural Development and Panchayat Raj(E1) Department dated 14.02.2012. By that time, the petitioner had retired from service. Four of his junior were included in the panel of Assistant Directors fit for promotion to the post of Joint Director of Rural Development for the year 2011-2012. The publication of Joint Director of Rural Development panel for the year 2011-2012 was delayed due to various administrative factors. Therefore, the petitioner was not deprived of his promotion to the post of Joint Director of Rural Development since he had retired from service as on 31.01.2012. The panel was issued on 14.02.2012 i.e. after his retirement from service. Therefore, a retired person cannot be promoted or given notional promotion. Hence, the judgment cited by the learned counsel for



W.P.No.8229 of 2015

the petitioner is not applicable to the case on hand. As such, this writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

07.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

To

1. Secretary to Government,
State of Tamilnadu
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-9
2. Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-15
3. District Collector,
Salem District,
Salem
4. The Government Advocate,
High Court, Madras.



WEB COPY



W.P.No.8229 of 2015

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.8229 of 2015

07.09.2023